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REPORT

ON THE

ADMINISTRATION OF CRIMINAL AND CIVIL JUSTICE

IN THE

BOMBAY PRESIDENCY.

For the Year 1882.

XIIIA

No. 1159 of 1883.

From

E. M. H. FULTON, Esquire,
Registrar, High Court,
Appellate Side, Bombay,

To

The Honourable C. GONNE,
Chief Secretary to Government,
Judicial Department, Bombay.

Bombay, 14th September 1883.

Honourable Sir,

I am directed to transmit to you the Reports of the Administration of Criminal and Civil Justice in the Bombay Presidency for the year 1882, and also the Reports of the Judicial Commissioner in Sind and the Agent to His Excellency the Governor in the Panch Maháls. Tables I. to XIII. accompany the Report.

I have the honour to be,
Honourable Sir,
Your most obedient servant,
E. M. H. FULTON,
Registrar.

REPORT ON THE ADMINISTRATION OF CRIMINAL JUSTICE IN THE PRESIDENCY OF BOMBAY FOR THE YEAR 1882

This Report, as usual, relates to the administration of Justice by the Criminal Courts in the Regulation Provinces of the Presidency of Bombay, in the Province of Sind, and in the District of the Panch Maháls. It refers to the working of all the Criminal Courts situated within these territories except the Courts of the Presidency Magistrates from whom no report is received.

2. The area and population of the Provinces referred to are as follows:—

	Area	Population
Regulation Provinces	74,859	13,011,916
Sind	48,924	2,413,823
Panch Maháls	1,613	255,479

3. The Courts which form the subject of this report are as follows:—

Regulation Provinces.

The High Court.
15 Sessions Judges and Joint Sessions Judges.
4 Assistant Sessions Judges.
17 District Magistrates.
92 Magistrates of the First Class.
182 Magistrates of the Second Class.
185 Magistrates of the Third Class.
The Police Patels with criminal jurisdiction under Bombay Act VIII. of 1867.

Sind.

The Sadar Court.
3 Sessions Judges.
5 District Magistrates, of whom two were invested with special powers as Deputy Commissioners, under Section 36 of the old Code of Criminal Procedure.
20 Magistrates of the First Class.
58 Magistrates of the Second Class.
51 Magistrates of the Third Class.

Panch Maháls

The Sessions Judge who is also District Magistrate.
2 Magistrates of the First Class.
4 Magistrates of the Second Class.
3 Magistrates of the Third Class.
The Police Patels.

4. The Judges and Magistrates mentioned above are all paid with the exception of 26 Honorary Magistrates in the Regulation Provinces and one in Sind.

5. All the Judges of the High Court were Europeans but one Native gentleman officiated as Judge during a portion of the year. Of the Sessions Judges and Assistant Sessions Judges two were Natives and the rest were Europeans. Eighty-six of the First Class Magistrates were Europeans and 50 were Natives. Of the Second Class Magistrates 6 were Europeans and 238 were Natives; and of the Third Class 4 were Europeans and 235 were Natives.

6. The total number of offences reported during the year was 93,798, but of these only 68,873 were returned as true. In the preceding year 90,562 offences were reported and 67,984 were returned as true.

7. The following table shows the classification of offences reported as true according to headings given in Statement No. 2 for the year 1882 compared with that of those reported as true during the previous year :—

No.	Class.	1881.	1882.	Increase.	Decrease
1	Offences against the State	...	...	...	...
2	Offences relating to the Army and Navy, Chapter VII.	1	...	...	1
3	Offences against the public tranquillity, Chapter VIII.	314	272	...	42
4	Offences by, or relating to, public servants, Chapter IX.	93	119	26	...
5	Contempts of the lawful authority of public servants, Chapter X.	851	840	...	11
6	False evidence and offences against public justice, Chapter XI.	793	714	...	79
7	Offences relating to coin and Government stamps, Chapter XII...	104	92	...	12
8	Offences relating to weights and measures, Chapter XIII.	177	126	...	51
9	Offences affecting public health, safety, convenience, decency and morals, Chapter XIV.	941	1,013	72	...
10	Offences relating to religion, Chapter XV. ...	15	23	8	...
11	Offences affecting life	481	501	20	...
12	Causing of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births	110	132	22	...
13	Hurt	14,762	15,578	816	...
14	Wrongful restraint and wrongful confinement.	263	364	101	...
15	Criminal force and assault	2,993	3,670	677	...
16	Kidnapping, forcible abduction, slavery and forced labour	93	83	...	10
17	Rape	74	91	17	...
18	Unnatural offence	19	19	...	...
19	Theft	11,936	11,382	...	554
20	Extortion	73	123	50	...
21	Robbery and dacoity	388	290	...	98
22	Criminal misappropriation of property ...	715	604	...	111
23	Criminal breach of trust	661	670	9	...
24	Receiving of stolen property	1,185	1,047	...	138
25	Cheating	348	346	...	2
26	Fraudulent deeds and disposition of property.	14	25	11	...
27	Mischief...	2,524	2,651	127	...
28	Criminal trespass	3,404	3,345	...	59
29	Offences relating to documents and to trade or property marks	68	76	8	...
30	Criminal breach of contracts of service ...	16	26	10	...
31	Offences relating to marriage	559	588	29	...
32	Defamation	87	113	26	...
33	Criminal intimidation, insult and annoyance...	2,594	2,882	288	...
34	Offences under special and local laws ...	21,328	21,068	...	260

8. There is a slight increase in the total number of offences said to have been committed, but an examination of the foregoing table will show that this increase occurred almost entirely among the less serious sorts of crime. If the cases of hurt, wrongful restraint and wrongful confinement, criminal force and assault, mischief, and criminal intimidation are deducted, it will be found that there was an actual diminution in the number of offences.

9. There was a reduction in the number of cases of false evidence by 79, of offences relating to weights and measures by 51, of theft by 554, of robbery and dacoity by 98, of criminal misappropriation by 111, and of receiving stolen property by 138.

10. There was a small increase of 20 in the offences affecting human life. Of 501 such offences, alleged to have occurred during the year, 216 were murders. These may be classified as follows:—

	Number.
From causes connected with women	64
Of children for the sake of their ornaments	12
Other murders for the sake of gain	19
From other causes	121
Total ...	216

11. On the whole it may be considered that the table showing the classification of offences for the year indicates some little improvement inasmuch as though there has been some increase in the number of minor offences, there has been a diminution in the number of cases of theft and kindred offences, the extent of the prevalence of which forms a fair criterion of the state of the country. On the whole, however, the smallness in the variations in the numbers of the several kinds of offences committed during the two successive years is remarkable.

12. The offences entered in the table as "offences under special and local laws" consist principally of breaches of the Ábkári Act, the Cattle Trespass Act, the Forest Act, the Opium Act, and the Salt Act, and of the Acts which deal with Conservancy and Municipal and Police Regulations, namely, the Cantonment Magistrates' Act, the Municipal Act, and the District and Village Police Acts.

13. The following table shows the number of offences reported to have occurred in each district with the percentage borne by offences to population :—

District.	Population.	Offences.	Proportion to population of offences returned as true.
Ahmedabad	856,324	4,934	1 to 174
Kaira	804,800	3,660	1 to 220
Broach	326,930	1,287	1 to 254
Surat	614,198	2,532	1 to 243
Thána	908,548	6,788	1 to 134
Kolába	381,649	1,584	1 to 241
Khándesh	1,237,231	4,236	1 to 292
Násik	781,206	3,994	1 to 196
Ahmednagar	751,228	2,713	1 to 277
Poona	900,621	5,551	1 to 162
Sholápur	582,487	1,929	1 to 302
Sátára	1,062,350	2,492	1 to 426
Belgaum	864,014	2,709	1 to 319
Dhárwár	882,997	2,543	1 to 347
Kaládgi	638,493	1,765	1 to 362
Kánara	421,840	1,628	1 to 259
Ratnágiri	997,090	1,513	1 to 659
Panch Maháls	255,479	867	1 to 295
Karáchi	478,688	5,237	1 to 91
Hyderabad...	754,624	4,117	1 to 183
Thar and Párkar	203,344	735	1 to 277
Shikárpur...	852,986	5,515	1 to 155
Upper Sind Frontier...	124,181	529	1 to 235

14. As was the case last year, Ratnágiri stands first among the Districts in comparative freedom from crime and this year it is remarkable as having been the only District in the Presidency not stained by the occurrence of a single murder. The inhabitants of Ratnágiri though they have the reputation of not shrinking from litigation and of being zealous in the prosecution of their claims in the Civil Courts, are certainly a most peaceable and law-abiding people. Of the 1,513 offences which took place among them by far the greater number were of a trivial description, while there were only 217 cases of theft during the year ;

and the offences akin to theft did not number more than 59. Next to Ratnágiri, though at a considerable distance behind, comes Sátára and the third place is taken by Kaládgi, which in the year 1881 ranked second. The District from which the largest proportion of offences was reported was Karáchi as was also the case in the years 1880 and 1881.

15. Arising out of the 68,873 offences reported as true 63,331 cases were brought to trial. The number of persons before the Courts during the year 1882 was 111,723. Of these 59,688 were acquitted or discharged, and 50,237 were convicted, while 57 died pending trial or escaped, and the cases of 1,741 remained unfinished at the end of the year.

16. In 1881 the actual number of persons under trial was 108,323; of these 76 died or escaped, 55,681 were acquitted or discharged, 50,950 were convicted and 1,616 persons remained under trial at the close of the year.

17. The percentage of the two years is as follows :—

	1881.	1882.
Died, escaped or transferred	·07	·05
Discharged or acquitted	51·40	53·42
Convicted	47·03	44·97
Remaining under trial	1·50	1·56

18. The proportion of acquittals and discharges to convictions under the various classes of offences was as follows during the year under report :—

Class.	Acquittals.	Convictions.	Ratio of acquittals to convictions.
Offences relating to the Army and Navy ...	.....	.....	.....
Offences against the public tranquillity... ...	1,156	992	54:46
Offences by or relating to public servants ...	98	68	59:41
Contempts of the lawful authority of public servants	521	709	42:58
False evidence and offences against public justice	414	485	46:54
Offences relating to coins and Government stamps	61	58	51:49
Offences relating to weights and measures ...	39	90	30:70
Offences affecting the public health, safety, convenience, decency and morals	216	1,057	17:83
Offences relating to religion	8	24	25:75
Offences affecting life	390	387	50:50
Causing of miscarriage, injuries to unborn children, exposure of infants and the concealment of births	76	77	50:50
Hurt	23,135	9,646	71:29
Wrongful restraint and wrongful confinement ..	404	158	72:28
Criminal force and assault	5,899	1,327	82:18
Kidnapping, forcible abduction, slavery and forced labour	86	63	58:42
Rape	70	38	65:35
Unnatural offence	21	6	78:22
Theft	5,365	8,432	39:61
Extortion	126	61	67:33
Robbery and dacoity	475	284	63:37
Criminal misappropriation of property... ...	535	371	59:41
Criminal breach of trust...	505	219	70:30
Receiving of stolen property	949	921	51:49
Cheating	341	115	75:25
Fraudulent deeds and disposition of property ...	20	15	57:43

Class.	Acquittals.	Convictions.	Ratio of acquittals to convictions.
Mischief	4,590	1,068	81:19
Criminal trespass...	2,801	1,637	63:37
Offences relating to documents and to trade or property marks	91	27	77:23
Criminal breach of contracts of service ...	30	5	86:14
Offences relating to marriage	872	137	86:14
Defamation	198	65	75:25
Criminal intimidation, insult and annoyance ...	4,342	1,203	78:22
Offences under special and local laws	5,854	20,492	22:78

19. The ratio of acquittals to convictions varies a good deal in regard to the different classes of offences. It is smallest in the case of offences affecting the public health, safety, convenience, decency and morals in regard to which prosecutions doubtless are seldom instituted unless there is a strong assurance of the likelihood of a conviction; and it is largest in the case of offences relating to marriage and breaches of contract of service which are no doubt frequently compromised or withdrawn. It is curious to notice that the proportion of acquittals to convictions in theft cases—39:61—was the same in 1882 as in the preceding year.

20. The number of miscellaneous cases before the Criminal Courts during the year under report was 1,364 in which 1,896 persons were concerned. Of these 700 persons were discharged and orders were made of a more or less adverse nature in regard to 1,189 persons, while the cases of 7 remained pending on the 31st December 1882. In the preceding year the number of miscellaneous cases before the courts was 1,473 involving 2,037 persons, of whom 698 were discharged while against 1,331 unfavourable orders were passed and 8 remained undisposed of at the end of the year. These miscellaneous cases comprise proceedings relating to frivolous and vexatious complaints, proceedings against witnesses, for the forfeiture of bail or recognizance, regarding the non-attendance of jurors and assessors, and relating to contempts of Court, proceedings to prevent breach of the peace, to require security for good behaviour, and to remove nuisances, possession cases and maintenance cases.

21. Of 111,723 persons before the Courts 3,000 were for trial before Village Officers, 157 before Special Magistrates, 3,189 before Honorary Magistrates, 101,810 before Stipendiary Magistrates not being Magistrates of Districts or Divisions of Districts, 1,363 before Divisional Magistrates, 492 before District Magistrates, 1,570 before Courts of Sessions and 142 before the High Court or Sadar Court in Sind.

22. The High Court, during the year, disposed of 29 cases on its Original Side in which 45 persons were involved. Of these 14 were acquitted and 31 were convicted. In 1881 the number of cases was 30 and the number of accused persons was 44, of whom 19 were acquitted and 25 were convicted.

23. On the Appellate Side 47 cases involving 63 persons came before the High Court as a Court of Reference for confirmation of sentence of death. In these cases two persons were finally acquitted and 61 were convicted. In the previous year the court disposed of 54 cases in which 85 persons were accused.

24. The Sadar Court in Sind as a Court of Reference disposed of 11 cases coming before it for confirmation of sentence of death in which 13 persons were concerned. All of these were convicted. In the year 1881, 20 cases involving 23 persons came before the Court for confirmation of sentence of death.

25. In the Courts of Sessions 1,570 persons (exclusive of the 75 whose cases were referred to the High Court and the Sadar Court) were under trial against 1,748 in the previous year. Of the former number, 4 died or escaped, 694 were acquitted, 769 were convicted and 103 remained under trial at the end of the year.

26. Exclusive of 2,083 persons whose cases were committed or referred to Superior Courts, the Magistrates of the various classes dealt with persons under trial as shown in the following comparative table :—

	1881.	1882.
Persons under trial	103,245	107,011
Died, escaped or transferred	67	53
Acquitted or discharged	53,990	58,000
Convicted	47,676	47,345
Remaining under trial	1,512	1,613

27. The Village Officers or Police Patels had before them 3,000 persons against 3,178 in 1881. Of the 3,000 for trial during the year under report, 978 were acquitted, 2,018 were convicted, and the cases of 4 remained undecided at the end of the year.

28. There is nothing special to remark about the average duration of criminal trials shown in column 10 of Statement 4. As a rule these trials are conducted as promptly as the circumstances will permit; and in any cases in which it appears that there has been undue delay notice is taken by the High Court or by the Courts of Session or the District Magistrates so that the evil is checked.

29. The total number of witnesses examined by the Criminal Courts was 240,803. Of these 4,194 were examined before Police Patels; 229,454 before Magistrates; 6,889 before Courts of Sessions and 266 before the High Court. In 1881, 227,435 were examined by the Criminal Courts.

Punishments.

30. One person was sentenced to death by the High Court on its Original Side, and on its Appellate Side the Court confirmed 51 sentences of death. The Sadar Court in Sind confirmed 8 sentences of death. In the year 1881 the High Court on its Original Side passed one sentence of death and on its Appellate Side confirmed 32 sentences. The Sadar Court in Sind during the same year confirmed 14 death sentences. It will thus be seen that in all 60 sentences of death were passed during the year under report compared with 47 in 1881. No sentences of death were passed by the Judicial authorities in the Panch Mahâls.

31. 147 persons were sentenced to transportation against 174 in 1881.

32. One sentence of penal servitude was passed in 1882. There were no such sentences in the previous year.

33. 13,888 persons were sentenced to imprisonment in 1882 compared with 14,348 in 1881.

34. *Forfeiture of Property.*—No sentences of forfeiture of property were passed during 1882. One such sentence was passed in the preceding year.

35. *Fine.*—39,021 persons were sentenced to fine against 38,378 in the previous year. The total amount of fines imposed during the year was Rs. 3,61,859 and the total amount realized during the year was Rs. 2,87,102, of which Rs. 20,560 were paid away as compensation. In 1881 the total amount of fines imposed was Rs. 3,37,313, the total amount recovered was Rs. 2,69,759, and the amount paid away as compensation was Rs 16,557.

36. *Whipping.*—A good deal of attention has lately been directed to this punishment. During the year under report 844 sentences of whipping were passed against 1,062 in 1881.

37. Of the 844 sentences of whipping awarded during the past year 701 were under Sections 2 and 3 of Act VI. of 1864 in lieu of other punishment: 103 sentences were under Sections 3 and 4 of the Act passed on old offenders in addition to other punishments; and 40 sentences were passed on Juveniles under

Section 5 of the Act in lieu of other punishments for offences not punishable with whipping in the case of adults.

38. Of the total number of sentences of whipping passed during the year there were—

50	Sentences not exceeding		5	stripes.
172	"	"	10	"
254	"	"	15	"
112	"	"	20	"
81	"	"	25	"
94	"	"	30	"
81	"	exceeding	30	"

Appeals and Revision.

39. The total number of appellants or applicants for revision before the Courts during the year was 5,745 against 5,365 in the previous year. Of the former number 4 died or escaped, 3,473 had their appeals dismissed, 129 got their sentences enhanced, of 629 the sentences were modified, of 1,026 the sentences were reversed, in 89 cases a new trial was ordered, in 37 the proceedings were quashed; 37 cases were referred to the High Court, and 321 remained undisposed of at the end of the year.

40. As a Court of Appeal the High Court had to deal with 374 appeals from convictions by Courts of Sessions. In one case the appellant died, in 124 cases the appeals were summarily rejected, in 115 the sentence was confirmed, in two cases the sentence was enhanced, in 57 cases it was modified, and in 24 it was reversed; 51 appeals remained undisposed of at the end of the year. In 1881 there were 321 appeals before the Court. The percentage of cases in which the appeal was rejected, or sentence was modified or reversed, compared with the total number disposed of are shown in the following table:—

	Number.	Percentage
Appeals decided		
Abated, rejected or confirmed	240	74·3
Modified	59	18·3
Reversed	24	7·4

41. 744 cases came before the High Court as a Court of Revision compared with 727 in 1881. In 318 cases the finding and sentence were left unaltered, in 40 the sentence was enhanced, in 75 the sentence was modified, in 109 the sentence was reversed, in 27 the proceedings were quashed, in 44 a new trial was ordered, and 131 cases were pending at the end of the year.

42. 12 appeals against acquittals were presented by Government to the High Court compared with a similar number in the previous year. In 10 cases the appeal was rejected or dismissed, and in 2 a new trial was ordered.

43. In Sind the Sadar Court had before it 97 appeals from convictions against 148 in 1881. Of these 97 cases, 19 appeals were summarily rejected, 49 sentences were confirmed, 1 sentence was enhanced, 15 sentences were modified, 9 sentences were reversed, and 4 cases were pending at the end of the year. There were no appeals from acquittals in either 1881 or 1882.

44. As a Court of Revision the Sadar Court had 540 cases under consideration. In 290 of these the sentence was left unaltered, in 4 it was enhanced, in 50 it was modified, in 144 it was reversed, in 25 a new trial was ordered, and in 27 the cases were pending at the end of the year. In the year 1881 the Court had 795 cases before it for revision.

45. Two appeals were made to Government against the decisions of the Sessions Judge in the Panch Maháls. Both were rejected.

46. The following table shows the distribution of appeals against convictions by Sessions Judges against the several districts from which they came up:—

	No. of Persons convicted by the Sessions Judges.	Appellants.
Ahmedabad	26	38
Kaira	96	
Broach...	9	15
Surat	32	
Thána	102	36
Kolába...	8	
Násik	24	
Khándesh	50	37
Ahmednagar	23	9
Poona	46	66
Sholápur	38	
Sátára	34	19
Belgaum	36	67
Kaládgi	31	
Dhárwár	42	47
Ratnágiri	15	8
Kánara...	31	28
Panch Mahále	6	2
Karáchi	26	97
Hyderabad	50	
Thar and Párkar	3	
Shikárpur	38	
Upper Sind Frontier	3	

47. The Courts of Sessions had before them 936 appeals against convictions by First Class Magistrates and Assistant Sessions Judges, of which 38 were pending at the end of the year. The method in which the remaining 898 appeals were disposed of are shown in the following table :—

Districts.	Died, escaped or transferred.	Appeals or Applications rejected.	Sentence or order confirmed.	Sentence enhanced.	Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to the High Court.	Total number of Appeals disposed of.
Ahmedabad	...	35	16	3	4	37	...	...	...	95
Kaira	...	5	6	...	1	2	.	...	...	14
Broach	...	3	10	...	1	2	...	...	...	16
Surat	...	1	6	1	2	8	...	...	...	18
Thána	...	10	8	..	3	8	..	...	...	29
Kolába	...	1	12	...	1	1	...	...	...	15
Násik	...	...	3	1	..	10	..	...	...	14
Khándesh	...	7	18	...	2	13	...	...	...	40
Ahmednagar	...	...	13	...	1	2	...	...	...	16
Poona	...	17	14	...	5	11	...	...	...	47
Sholápur	...	3	15	...	1	3	..	...	...	22
Sátára	...	...	27	...	4	6	...	...	...	37
Belgaum	...	...	43	...	7	28	...	...	...	78
Kaládgi	...	...	...	.	...	...	..	...	...	...
Dhárwár	1	8	9	3	3	3	...	...	..	27
Ratnágiri	...	10	8	...	3	9	...	1	...	31
Kánara	...	2	6	...	1	1	...	...	...	10
Panch Mahále	...	...	22	...	4	4	...	...	...	30
Karáchi	1	66	66	...	3	15	...	...	..	151
Hyderabad	1	17	25	3	9	4	...	1	...	60
Thar and Párkar	...	13	4	...	1	...	...	...	...	18
Shikárpur	...	64	35	...	7	2	...	...	...	108
Upper Sind Frontier ...	...	11	5	...	3	3	...	...	...	22

48. The percentage of the various methods in which appeals were disposed of was as follows :—

	Number.	Percentage.
Appellant died, escaped or transferred	3	0·33
Rejected or confirmed	644	71·72
Sentence enhanced or modified	77	8·57
Sentence reversed, proceedings quashed, or new trial ordered ...	174	19·38

49. In 1881 out of 1,123 appeals disposed of by the Courts of Sessions the percentage was as follows :—

	Number	Percentage.
Appellant died, escaped or transferred	12	1·07
Rejected or confirmed	810	72·13
Sentence enhanced or modified	111	9·88
Sentence reversed, proceedings quashed, or new trial ordered ...	190	16·92

50. The Sessions Courts reviewed the proceedings of Magistrates in 246 cases against 269 cases in the previous year. The results were as follows : —

	1881.	1882.
Not interfered with	243	215
Sentence or order modified	1	1
Sentence or order reversed	1	3
Proceedings quashed	1	2
New trial ordered	8	3
Referred to the High Court	13	18
Pending at the end of the year	2	4

51. The District Magistrates and other First Class Magistrates with appellate powers had before them 2,324 appeals during the year under report compared with 1,842 in the previous year. The results in the two successive years were as follows :—

	1881.	1882.
Died or escaped	7	...
Appeal rejected	95	181
Sentences confirmed	910	1,093
Sentence enhanced	61	70
Sentence modified	203	364
Sentence reversed	512	563
Proceedings quashed	18	8
New trial ordered	5	9
Pending at the end of the year...	31	36

52. The percentage of the various modes of disposal to the total number of appeals decided by the Magistrates was as follows:—

	1881.	1882.
Appellant died or escaped, or appeal transferred	·4	...
Appeal rejected or sentence confirmed	55·5	55·7
Sentence enhanced or modified	14·6	18·9
Sentence reversed, proceedings quashed, or a new trial ordered ..	29·5	25·4

53. The revision of 472 cases by District Magistrates resulted in the sentences or orders remaining unaltered in 415 cases, while in one case the sentence was enhanced, in one it was reduced, in two the sentences were reversed. in four new trials were ordered, 19 cases were referred to the Sadar Court in Sind, and 30 cases were pending at the end of the year.

54. Trial by Jury or with the aid of Assessors, takes place only in the High Court and the Courts of Sessions. In the High Court criminal trials are held before Juries of nine persons and in the District of Poona Juries of five are used for the trial of persons accused of heinous offences punishable with death, transportation or imprisonment for ten years or upwards, under Chapters VIII., XI., XII., XVI., XVII., XVIII. of the Indian Penal Code, or under any of those Chapters taken in connection with Section 75 of the Code. In other districts trials in the Sessions Courts take place with the aid of Assessors.

55. In the High Court 29 cases were tried by Jury, in all of which the Judge accepted the verdict.

56. In the Court of Sessions at Poona 37 cases were tried by Jury and in all these the verdict was accepted by the Judge.

57. 628 cases were tried in Courts of Sessions with the aid of Assessors, in 417 of which the Judge agreed with the Assessors, while he differed with one Assessor in 53 cases and with both in 140. In the remaining 18 cases it appears that the opinion of the Assessors was not taken owing to the prosecution having been withdrawn or the accused having pleaded guilty. Such cases ought not to be included in Statement No. XIII.; but there was a want of uniformity in the returns received this year, some Sessions Judges including them and others not doing so. This will be corrected in the returns sent in next year.

58. A general survey of the work of the Criminal Courts during the year does not afford much opportunity for remark. There has been no marked increase or decrease of crime to which to call attention. The working of the Courts has, generally speaking, been satisfactory and on the whole the most noticeable feature connected with the proceedings of the year is the close resemblance of the figures to those of the year that went before.

E. M. H. FULTON,

Registrar.

Her Majesty's High Court of Judicature, Appellate Side,
14th September 1883.

REPORT ON THE ADMINISTRATION OF CIVIL JUSTICE IN THE PRESIDENCY OF BOMBAY FOR THE YEAR 1882.

The subject of this Report, as of the reports for the years 1879, 1880 and 1881, is the administration of justice by all the Civil Courts in the Bombay Presidency with the exception of the Court of Small Causes at Bombay and the Courts at Aden. The Administration report of the Court of Small Causes is sent direct to Government, and from Aden no information is received by the High Court regarding the working or constitution of the courts.

Territory referred to.

2. The territories to which this Report relates are, as in former years, the Regulation Provinces within the Original or Appellate jurisdictions of the High Court, the Province of Sind, and the District of the Panch Maháls. Conformably to the wishes of the Government of India, a map of the Presidency is annexed, in which the position of the courts of the various Subordinate Judges is marked by a single red line, while a double red line indicates the Head Quarter stations at which are situated the Courts of District Judges or of Assistant Judges exercising the powers of a District Judge.

3. The area and population of the territories abovementioned, taken from the report of the Census held in 1881, are as follows:—

	Area. (square miles)	Population.
Regulation Provinces	74,902	13,691,181
Sind	48,924	2,413,823
Panch Maháls	1,613	255,479
Total	125,439	16,360,483

Constitution and functions of the Courts.

4. The constitution and functions of the various Civil Courts were fully explained in the report for 1880 and it is unnecessary now to do more than call attention to any increase or diminution in their number that may have taken place in the course of the year under review, or to refer to any changes connected with them which may appear deserving of attention.

5. The year was marked by the retirement from the Judicial Bench of Sir Michael Westropp who had been since 1870 Chief Justice of the High Court in which he had previously served as a Puisne Judge since 1863. He was succeeded in the office of Chief Justice by Sir Charles Sargent whose place of Puisne Judge was filled permanently by the appointment of Mr. Justice Scott, Mr. Latham having officiated as Judge in the interval previous to Mr. Scott's arrival. Mr. Nánábhái Haridás acted as Judge for a portion of the year during the absence on leave of Mr. Justice Melvill.

6. In the Regulation Provinces the number of District Judges remained unaltered but at the beginning of the year the Collectorate of Broach was placed under the jurisdiction of an Assistant Judge with full powers and was thereby practically dissevered from the District of Surat. It is true that nominally it remains a portion of that district and that for nearly three months during the current year, while the District Judge was absent on privilege leave and the Assistant Judge was acting for him, the two collectorates were temporarily united under the immediate control of the Acting District Judge, but the intention is that for the future they are to be separate, the Assistant Judge having full and exclusive jurisdiction in his own division.

7. No change occurred during the year in the number of Small Cause Courts or of Courts of First Class Subordinate Judges. The number of Courts of Subordinate Judges of the Second Class also remained unchanged but some alteration took place in the arrangements. In 1880, shortly after the introduction of the Deccan Agriculturists' Relief Act, 12 new courts were created in

the Districts to which that Act applied. Soon after their creation, however, it was found that the work was insufficient to occupy fully the time of the Subordinate Judges in those districts and it was thought expedient to group together certain courts; and thus the services of eight Subordinate Judges were set free for employment elsewhere in assisting in other courts in which the work was very heavy and had fallen into arrears. During the month of December 1882 Government, in consequence of an increase of the work in the Deccan, directed the re-opening as independent courts of five that had temporarily been attached to other courts; and by the end of last May this change had been effected as regards four of the courts, and the appointment of an independent Subordinate Judge at Indápur (where the work is still very light) is at present only temporarily postponed pending the reduction of the arrears in the Subordinate Court at Poona where it has been found necessary to appoint a Joint Subordinate Judge. Of the 12 additional Subordinate Judges sanctioned in 1880 only one, the Joint Subordinate Judge at Ahmedabad, is now stationed outside the Deccan Districts, the remainder being all employed within those districts either in independent charge of courts or to assist in courts in which the work had fallen into arrears.

8. The number of Jághírdárs and Inámdárs exercising under Regulation XIII of 1830 the powers of Subordinate Judges of the Second Class remains unchanged. Two Cantonment Magistrates—of Poona and Belgaum—are entered in the returns as having performed the functions of Civil Courts under Act III of 1859. The Mámlatdárs of the various Tálukas, numbering in all 172, (inclusive of Mahálkaris), as usual disposed of suits relating to the possession of land under Bombay Act III of 1876.

9. At the close of the year there were 92 Village Munsifs and 258 Conciliators who had been appointed under the Deccan Agriculturists' Relief Act against 136 Village Munsifs and 313 Conciliators at the end of the previous year.

10. In Sind the constitution of the Civil Courts remained unaltered, except that during the year under report the Deputy Commissioner of Jacobabad was invested with the powers of a District Judge in the Upper Sind Frontier District. This arrangement, however, has not lasted long as the District has lately been replaced within the jurisdiction of the Judge of Shikárpur. There was also some modification of the limits assigned to the Subordinate Judges in Shikárpur and the Upper Sind Frontier in consequence of the powers of a Subordinate Judge being conferred on the Deputy Collector at Jacobabad.

11. From the Panch Maháls the power of hearing appeals was conferred on a newly constituted court consisting of the Assistant to the Agent and a Munsif.

In other respects the constitution of the courts remained unaltered during the year under review.

12. The following statement shows concisely the numbers and designations of the regular Civil Courts throughout the territories which come within the scope of this Report. The Courts of the Cantonment Magistrates and Mámlatdárs have not been included, because, though they both, at times, perform the functions of Civil Courts, these are not their principal duties and occupy but a very small proportion of their time.

Regulation Provinces.

The High Court.

The Court of Small Causes in Bombay.

11 District Judges.

2* Agents for Sardárs in the Deccan and Southern Marátha Country under Regulation XXIX of 1827.

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* The Judge of Poona is Agent for Sardárs in the Deccan and in the Southern Marátha Country, the Agent for Sardárs is the Political Agent at Kolhápur.

4 Assistant Judges with full powers.
6* Assistant Judges employed simply to assist the District Judges.
5 Small Cause Courts.
11 First Class Subordinate Judges.
90 Second Class Subordinate Judges.
6 Inámdárs or Jághírdárs with powers under Regulation XIII of 1830.
92 Village Munsifs under the Deccan Agriculturists' Relief Act.

Sind.

The Sadar Court.

5 District Judges (including the Deputy Commissioners of Thar and Párkar and Jacobabad).

1 Small Cause Court.
12 Subordinate Judges.
14 Mukhtyárkars in Thar and Párkar with power to try Civil suits.

Panch Maháls.

The District Court consisting of the Agent to His Excellency the Governor or one of his Assistants or of the Assistant Agent sitting with one of the Munsifs.

Two Munsifs.

Receipts and Expenditure.

13. The total receipts of all the courts in the Presidency amounted to Rs. 22,29,721 while the expenditure is shown as Rs. 41,87,312; but these figures include the receipts and expenditure of Civil, Criminal and Revenue Courts taken all together in accordance with the directions of the Government of India contained in their Resolution No. $\frac{24}{1552\text{-}62}$ dated 20th October 1882, received with Bombay Government letter, in the Judicial Department, No. 6798 dated 31st idem. Last year an attempt was made to distribute the receipts and expenditure between the Civil, Criminal and Revenue Courts, respectively, but although the figures showing the receipts of the various courts were accurate enough, those relating to expenditure were necessarily uncertain, being little more than estimates in the case of courts exercising more functions than one.

14. The following table shows the receipts and expenditure of the High Court compared with the figures of the previous years :—

Courts.	1881.		1882.	
	Receipts.	Expenditure.	Receipts.	Expenditure.
	Rs.	Rs.	Rs.	Rs.
High Court, Original Side	2,34,039	3,73,286	2,64,423	3,63,083
Do. Appellate Side...	44,539	2,63,530	40,907	2,60,900

Institution of Suits.

Number of suits instituted.

15. The total number of suits of all kinds instituted during the year 1882 was 143,966. The corresponding number in 1881 was 150,810.

16. The number of suits instituted in the High Court during the year under report was 1,026 against 1,037 in 1881. In the original jurisdiction the suits instituted during 1882 fell short by 48 of those commenced in 1881, but on the other hand the number of insolvency proceedings increased by 28. The slight variations in the Admiralty, Testamentary and Matrimonial branches of the Court appear to call for no remark. The new Small Cause Court Act, which increases the jurisdiction of the Small Cause Court from Rs. 1,000 to Rs. 2,000, came into force on the 1st July 1882, and this alteration of the law will no doubt tend to diminish the number of original suits instituted in the High Court. The total value of the claims instituted in the High Court was Rs. 76,64,173 during the year under review. The total value in the previous year was Rs. 29,94,029.

* Some of the appointments of Assistant Judge were not filled up during the whole or a portion of the year and an Extra First Class Subordinate Judge was appointed in July 1882 at Thána to assist in hearing appeals.

17. The following comparative table shows the fluctuations in the institution of suits in the High Court during the last eight years :—

	1875.	1876.	1877.	1878.	1879.	1880.	1881.	1882.
Original Jurisdiction	731	737	820	688	730	595	541	493
Admiralty	2	1	5	...	2	...	...	1
Testamentary	9	14	11	7	6	15	5	11
Matrimonial (Pársi)	5	4	1	4	4	4	2	4
Insolvency	633	622	475	565	606	601	489	517
Total ...	1,380	1,378	1,312	1,264	1,348	1,215	1,037	1,026

18. No suits were commenced in the Sadar Court in Sind, which, except in Matrimonial matters and in regard to cases which it transfers to itself, has only Appellate and Revisional jurisdiction.

19. The number of suits instituted in the District Courts was 255 compared with 206 in 1881.

20. The following comparative table shows the number of suits instituted during the last five years in the Courts of Subordinate Judges and Inámdárs with Civil jurisdiction. As the great bulk of Civil suits are filed in the Subordinate Courts, the returns which they furnish may be relied on to indicate as nearly as possible any increase or decrease of litigation. There has been on the whole a diminution of 3,979 in the number of suits instituted, but this reduction is scattered over many districts and has not been attributed by the District Judges to any specific cause, nor indeed does it appear to amount to more than an ordinary fluctuation. There has been an increase in the institution of suits in Ahmednagar, Sátára, Belgaum and Kaládgi, Kánara and Shikárpur (including the Upper Sind Frontier) and a decrease in all other districts :—

Table showing the Number of Suits instituted in the Subordinate Courts (including the Courts of Inámdárs and Jághírdárs) during the last five years.

	1878.	1879.	1880.	1881.	1882.
Ahmedabad ... ... } Kaira	12,550	15,092	15,242	16,003	15,062
Surat	2,939	3,686	3,680	3,896	3,871
Broach	3,515	4,450	5,253	5,514	4,736
Thána	5,752	6,122	5,674	6,945	6,430
Kolába	3,394	3,445	3,193	3,214	3,207
Násik...	9,967	10,477	9,088	9,565	9,556
Ratnágiri	6,451	6,712	6,806	6,401	5,937
Khándesh	18,156	19,696	17,348	18,831	18,808
Ahmednagar	7,782	7,379	3,629	4,590	4,679
Poona	7,007	6,263	4,263	5,185	4,996
Sholápur	5,178	4,259	2,466	2,963	2,459
Sátára	7,844	7,798	2,895	4,609	5,022
Belgaum	3,898	3,659	3,636	} 5,527	5,538
Kaládgi	2,713	2,774	2,472		
Dhárwár	4,266	3,899	3,648	3,307	3,228
Kánara	2,266	2,535	2,251	2,055	2,463
Panch Maháls	867	1,490	1,437	1,651	1,534
Karáchi	2,204	3,906	3,647	3,250	2,891
Hyderabad	7,061	9,691	10,467	8,889	7,949
Shikárpur and Upper Sind Frontier ... ... }	6,107	9,522	10,168	8,292	8,411
Thar and Párkar	157	231	503	424	355
Total ...	120,074	133,086	117,766	121,111	117,132

21. Comparative table showing the institution of suits in the Mofussil Small Cause Courts during the years 1879, 1880, 1881 and 1882 :—

	1879.	1880.	1881.	1882.
Ahmedabad	3,993	4,350	4,195	3,657
Nadiád	1,068	1,033	993	891
Broach	1,478	1,456	1,438	1,242
Surat	3,592	3,782	2,979	2,988
Poona	5,422	4,127	4,372	3,593
Karáchi	2,748	2,251	1,916	2,168
Total ...	18,301	16,999	15,893	14,539

22. In the Small Cause Courts the number of suits (as shown in the preceding table) instituted was 14,539 against 15,893 in 1881. The figures do not exhibit any very startling variations, but there is a considerable falling off in the number of suits filed in the Small Cause Courts of Ahmedabad and Poona. The Judge of the Small Cause Court at Ahmedabad assigns as a cause for this decline the general tendency of legislation which he thinks inimical to the interests of creditors, and the Small Cause Court Judge of Poona attributes the falling off to the amendment of the Deccan Agriculturists' Relief Act by Act XXIII. of 1881 which extended the definition of the term "Agriculturists" and thereby enlarged the class of defendants over whom the Small Cause Court has no jurisdiction. The definition of the term has lately been rendered less comprehensive by Act XXII. of 1882 which came into force on the 1st February 1883, and probably this will have the effect of increasing the work of the Small Cause Court. It may be suitable to mention here that in January last the jurisdiction of the Judge of the Small Cause Court at Poona was, on the recommendation of the District Judge of Poona and of the High Court, increased from Rs. 500 to Rs. 1,000. The change was made with a view to transferring to the Small Cause Court some of the work from the Court of the First Class Subordinate Judge, in which it was found very difficult to prevent the accumulation of arrears.

23. The number of suits filed in the Courts of Village Munsifs had decreased from 2,757 instituted in 1881 to 1,929 during the year under report. On this subject the Special Judge under Act XVII. of 1879 writes that "a large proportion of the decrease may be accounted for by the resignation, at the beginning of the year, of the Village Munsif of Ahmednagar, a gentleman who during the previous year had received no less than 622 suits upon his own file."

Classification of Suits.

24. The following table, the form of which was suggested by the Judicial Commissioner in Sind in his report for 1881, shows the classification of the suits instituted in 1882 compared with that of those commenced during 1881 :—

	Class of Suits.	1881.	1882.	Increase.	Decrease.
	Suits for Money.				
1	On contract in writing	84,690	78,571	...	6,119
2	On contract not in writing	5,551	6,339	788	...
3	On account stated	19,655	18,900	...	755
4	For money had and received... ...	1,803	1,782	...	21
5	For goods sold	6,031	5,546	...	485
6	For wages, work and materials ...	413	445	32	...
7	For breaches of contract not mentioned above...	645	248	...	397
8	Rent of houses and property other than land	1,924	1,759	...	165
9	Moveable property or the value thereof	1,053	1,205	152	...
10	Damages	568	574	6	...

	Class of Suits.	1881.	1882.	Increase.	Decrease.
	Title and other Suits.				
11	Arrears of rent of land with or without ejectment or cancelment of title	3,269	3,182	...	87
12	Enhancement or abatement of rent ...	8	15	7	...
13	Relating to distraint	7	1	...	6
14	Damages for extortion or withholding receipts or on account of illegal restraint or other cause	35	41	6	...
15	For Pottahs or Kabuláyats	461	766	305	...
16	For recovery of possession or removal of obstruction under Bombay Act III. of 1876	7,426	8,682	1,256	...
17	Suits for immoveable property ...	7,968	9,156	1,188	...
18	Suits for declaratory decrees... ...	231	321	90	...
19	Other suits under the Specific Relief Act	132	144	12	...
20	Suits to declare and establish rights to real property including pre-emption, foreclosure, &c.	1,706	2,318	612	...
21	Suits to declare and establish personal rights...	92	141	49	...
22	Suits for an account	1,032	188	...	844
23	Suits relating to religious endowments	10	5	...	5
24	Suits to set aside judgments, contracts or obligations on the ground of fraud...	29	21	...	8
25	Suits for dissolution of marriage ...	8	7	...	1
26	Suits for enforcement of matrimonial rights...	131	135	4	..
27	Suits for partition	284	328	44	.
28	Suits relating to shipping	3	1	...	2
29	Suits relating to religion and caste ...	2	8	6	...
30	Administration suits	7	37	30	...
31	Inter-pleader suits	...	...	...	...
32	Dissolution of partnership	32	12	...	20
33	Suits under Section 261, Act X. of 1865 (also Hindu Wills' Act) ...	4	...	...	4
34	Other suits, not falling under any of the previous heads	315	666	351	...

25. No special reason has been assigned for the considerable decrease in the number of suits based on contracts in writing or on accounts stated or for the increase in the suits for recovery of immoveable property or under the Mámlátdars' Act (Bombay) III. of 1876. Dr. Pollen attributes (and no doubt correctly) the diminution in the number of suits for account to the discovery that under Act XVII. of 1879 a suit for an account could not be brought against a mortgagee unaccompanied by a prayer for redemption. The law in this respect has been altered by Act XXII. of 1882, and mortgagees in the Deccan districts, like other creditors, may now be sued for account without any offer being made to them of re-payment.

26. The classification of the 493 suits filed in the High Court in its Ordinary Original Jurisdiction is as follows :—

Suits for Money or Moveable Property.

	1882.
Contract in writing...	110
Contract not in writing	9
On account stated	56
Money had and received	58
Goods sold	30
Wages, work and materials	9
Breaches of contract not mentioned above	5
Rent not falling under the Rent Law	3
Moveable property or value thereof	11
Damages	13

Title and other Suits.

	1882.
Suits for immoveable property	29
Suits for declaratory decrees	15
Other suits under the Specific Relief Act	10
Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.	20
Suits to declare and establish personal rights ...	4
Suits for an account	30
Suits relating to religious endowments	4
Suits to set aside judgments, contracts or obligations on the ground of fraud	6
Suits for dissolution of marriage	2
Suits for enforcement of matrimonial rights ...	3
Suits for partition	8
Suits relating to shipping	3
Suits relating to religion and caste	2
Administration suits	16
Inter-pleader suits	1
Dissolution of partnership	6
Suits under Section 261, Act X. of 1865 (also Hindu Wills' Act)	11
Other suits not falling under any of the previous heads...	19

Valuation of suits.

27. The total value of the claims in suits instituted during the year was Rs. 76,64,173 on the Original Side of the High Court and Rs. 1,37,45,289 in the Mofussil, or Rs. 2,14,09,462 in all. From this it appears that the value of the claims made in the High Court is more than half the value of the claims made in all the rest of the Presidency.

28. Of the 143,966 ordinary civil suits instituted during the year, the value of claims did not exceed

Rs. 10 in 18,781	Rs. 1,000 in 1,866
„ 50 in 64,192	„ 5,000 in 1,106
„ 100 in 26,389	„ 10,000 in 130
„ 500 in 21,863	

and it exceeded Rs. 10,000 in 114. The number of suits, the value of which cannot be estimated in money, was 9,525.

29. Besides these there is, included in Statement No. VIII., one suit brought in the Admiralty jurisdiction of the High Court in which the value of the claim amounted to Rs. 37,000.

Disposal of Suits.

30. The total number of suits disposed of by the various Civil Courts was 147,629 as against 148,065 in 1881.

31. These figures may be divided out among the various classes of courts as follows, and do not appear to call for any special remark. The arrears at the commencement of the year were 30,431 and at the end they were only 28,202, but this reduction is to be attributed rather to the falling off in the institution of suits than to any increased activity on the part of the courts.

Number of cases decided by the various classes of courts.

	1881.	1882.
High Court...	1,060	959
Sadar Court in Sind	.....	1
District and Assistant Judges ...	275	278
Subordinate Judges	118,620	118,941
Cantonment Magistrates ...	866	937
Jághírdárs and Inámdárs ...	630	771
Mofussil Small Cause Courts ...	16,409	14,970
Village Munsifs	2,934	1,971
Mámlatdárs under Bombay Act III. of 1876	7,271	8,801
Total ...	148,065	147,629

32. Of the 959 cases disposed of by the High Court on its Original Side the details are as follows :—

		Number.
Disposed of without trial		187
Compromised		67
Decreed on confession		11
Decreed *ex-parte*		406
Dismissed *ex-parte*		168
On reference to Arbitration	For plaintiff	4
	For defendant	1
With contest	For plaintiff	81
	For defendant	34

1,307 cases remained pending at the end of the year.

33. In the Mofussil Courts an analysis of the cases decided shows the following classification :—

		Number.
Disposed of without trial		15,097
Compromised		27,115
Decreed on confession		13,898
Decreed *ex-parte*		49,114
Dismissed *ex-parte*		2,998
On reference to Arbitration	For plaintiff	1,059
	For defendant	117
With contest	For plaintiff	28,594
	For defendant	6,706
	Total	144,698

and 26,895 were pending at the close of the year.

34. The proportion of suits disposed of *ex-parte* in the Subordinate Courts and the Courts of Small Causes has somewhat gone down. The actual number of suits thus decided by these Courts during the years 1881 and 1882 is as follows :—

	1881.	1882.	Decrease.
Small Cause Courts	6,245	5,229	1,016
Subordinate Courts	45,944	43,444	2,500

35. The percentage of cases thus decided to the total number disposed of in these Courts during the years 1881 and 1882 was as follows :—

	1881.	1882.
Small Cause Courts	·38	35
Subordinate Courts	·36	·34

36. The following table shows the average duration of suits in the various Courts :—

	Average number of days during which suits lasted.	
	Contested.	Uncontested.
Unpaid Tribunals— (Jághírdárs and Inámdárs)	586·86	119·04
Paid Sub-divisional Courts— Subordinate Judges' Courts; Cantonment Magistrates' Courts; Mámlatdárs' Courts	209·51	98·03
Small Cause Courts	77·83	43·27
District Courts	383·73	183·18
High Court	306·8	24·4

37. Of the 1,307 cases pending in the High Court at the end of the year 1,126 had been on the file for more than three months. Of the 26,895 pending in the Mofussil Courts at the close of the year 10,595 had been filed for more than three months.

38. The serious attention of the Courts has been called to the great delay which sometimes retards the decision of suits, and causes great hardship to the parties. Such delay can only be avoided by the utmost vigilance on the part of the District Judges whose duty it is to supervise the working of the Subordinate Courts and by the methodical arrangement of their work on the part of the Courts of First Instance. Considering the large number of cases that come before the Subordinate Courts, the preparation of the boards, so as to prevent the time of the court being wasted or the parties harassed by constant adjournments, is a task of no small difficulty; but it is a duty which must on no account be neglected and which must occupy the careful attention of the Subordinate Judges. It is, of course, impossible to lay down any general rule as to the circumstances under which adjournments may be granted. In some cases to refuse such adjournments would be productive of grave injustice, but at the same time it must be recollected that they are not to be granted hastily or without full consideration and that in many cases where it appears that the course of justice is being improperly impeded and that one of the parties is endeavouring to weary the other by dilatory procedure, firmness must be exercised in rejecting unreasonable applications for postponements. It must also be borne in mind that as a rule when once the hearing of evidence has begun, the case should proceed *de die in diem* until it is completed and that the practice which was found to exist in some courts of carrying on the hearing of heavy cases at intervals extending over many months and even years and of allowing long periods to intervene between the conclusion of the evidence and the hearing of arguments is most injurious and must be discontinued.

39. In addition to the regular suits disposed of by the courts they also determined 15,335 miscellaneous cases out of 18,378, which came before them for disposal, leaving a balance of 3,043 pending at the end of the year.

Conciliators under the Deccan Agriculturists' Relief Act.

40. The Conciliators under the Deccan Agriculturists' Relief Act are not Civil Courts, but as they now form a recognized part of the organization for the settlement of Civil Cases it is desirable to give a return of their work. The following table, taken from the 39th paragraph of the Special Judge's Report, gives this information :—

District.	Number of Applications for disposal.			Number of Applications disposed of.								Balance remaining for disposal.	Special particulars.	
	Arrears on the 1st January 1882.	New applications received during the year.	Total for disposal.	Withdrawn by applicant or compromised.	Struck off by Conciliator for default.	Disposed of by agreement forwarded to Court under Section 44.	Referred to arbitration and agreement forwarded to Court under Section 45.	Conciliation failed. By refusal or neglect of opposite party to attend.	Conciliation failed. By non-agreement of parties.	Conciliation failed. Total of two previous columns.	Total disposed of.		How many certificates under Section 46 granted during the year.	Fees realized during the year.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
														Rs. a. p.
Poona	1,729	15,949	17,678	1,725	3,875	2,576	11	5,977	1,697	7,674	15,861	1,817	6,778	2,820 10 0
Sátára	2,228	21,624	23,852	1,274	5,308	3,146	92	6,559	2,139	10,698	20,518	3,334	9,881	4,171 10 0
Ahmednagar ..	1,677	14,410	16,087	976	3,310	2,329	8	5,796	1,937	7,783	14,406	1,681	7,681	2,919 9 0
Sholápur ..	1,677	9,403	11,080	975	1,967	1,710	2	3,613	1,395	5,008	9,662	1,418	4,878	2,008 10 0
Total ..	7,311	61,386	68,697	4,950	14,460	9,761	113	23,945	7,218	31,163	60,447	8,250	29,218	11,920 7 0
Results for 1881.	19,527	57,477	77,004	5,569	18,616	8,302	275	25,843	11,026	36,869	69,531	7,473	34,067	11,825 4 0
Results for 1880.	..	48,588	..	3,252	3,277	6,771	172	9,370	6,435	15,805	29,277	..	13,452	5,801 2 0

Appeals.

41. The total number of appeals from decrees that came before all the Appellate Courts was 8,092. Of these, 4,045 were disposed of during the year and a balance of 4,047 remained undecided at the end of it. The following table

shows the appeals instituted, disposed of and pending before the various Appellate Courts of the Presidency for the year 1882 compared with the previous year :—

	1881.			1882.		
	Instituted.	Disposed of.	Pending.	Instituted.	Disposed of.	Pending.
High Court.						
Original Side	12	13	7	15	15	7
Appellate Side { 1st Appeals...	126	75	120	140	111	149
Appellate Side { 2nd do. ...	706	532	452	654	601	505
Sadar Court in Sind { 1st Appeals...	16	6	1	4	4	1
Sadar Court in Sind { 2nd do. ..		7	4	23	21	6
District Courts.						
Ahmedabad ... ... / Kaira	213	212	179	276	202	253
Surat	88	183	174	99	147	126
Broach...	78	158	179	113	178	114
Khándesh	195	121	214	281	118	377
Thána ... ... / Kolába...	421	341	791	380	439	732
Násik	205	318	330	220	331	219
Ahmednagar	104	225	93	192	56	229
Poona	150	150	23	224	146	101
Sholápur	79	66	92	108	95	105
Sátára	224	254	134	273	290	117
Belgaum ... ... / Kaládgi	219	226	134	252	241	145
Dhárwár	115	127	28	175	171	32
Ratnágiri	543	507	393	594	461	526
Kánara...	164	256	70	196	186	80
Karáchi	8	8	3	2	8	2
Hyderabad	70	73	21	44	47	18
Shikárpur	136	103	165	114	130	149
Thar and Párkar	3	4	1	3	3	1
Panch Maháls	33	39	68	29	44	53

42. In the High Court there were for disposal 22 appeals from the decrees of Judges sitting on the Original Side of the Court. Of these in one case the appeal was summarily rejected ; in 12 the decree was confirmed, and in 2 it was modified ; while 7 remained pending at the end of the year.

43. From the Mofussil there where 260 appeals from original decrees which are accounted for as follows :—

	Number.
Summarily rejected	16
Dismissed for default	12
Decree confirmed	54
Decree modified	6
Decree reversed	19
Remanded	4
Total disposed of ...	111
Pending	149

44. The number of second appeals for disposal was 1,106 which were dealt with as follows:—

	Number.
Summarily rejected	181
Dismissed for default	24
Decree confirmed	282
Decree modified	24
Decree reversed	55
Remanded	35
Total disposed of ...	601
Pending at the end of the year ...	505

45. The following figures show the number of appeals before the Sadar Court in Sind and how they were disposed of:—

	Number of Appeals before the Courts.	Disposed of.					Total disposed of.	Pending.
		Summarily rejected.	Dismissed for default.	Confirmed.	Modified	Reversed.		
Appeals from Original Decrees	5	...	...	2	1	1	4	1
Appeals from Appellate Decrees	27	1	1	9	...	10	21	6

46. The total number of appeals from decrees coming before the District Courts was 6,672. Of these 158 appeals were summarily rejected; 222 were dismissed for default; in 1,794 cases the decree was confirmed; in 418 the decree was modified; in 535 the decree was reversed, and in 166 the suit was remanded. The total number thus disposed of was 3,293 and the balance pending at the end of the year was 3,379. It is to be regretted that the appellate work of the District Courts should be so much in arrears that at the end of the year a balance of cases should have remained pending in excess of the total number of appeals disposed of during the year.

47. The following table shows the percentage of appeals disposed of in which the decrees of the Lower Courts were reversed or varied:—

Courts.	Total number of Appeals disposed of.	Percentage of Decrees confirmed or left unaltered.	Percentage of Decrees reversed or modified or suit remanded.
High Court.			
Original Side	15	87	13
Appellate Side { 1st Appeals	111	74	26
Appellate Side { 2nd do.	601	81	19
Sadar Court in Sind { 1st Appeals	4	50	50
Sadar Court in Sind { 2nd do.	21	52	48

Courts.	Total number of Appeals disposed of.	Percentage of Decrees confirmed or left unaltered.	Percentage of Decrees reversed or modified or suit remanded.
District Courts.			
Ahmedabad ... ... } Kaira	202	63	37
Surat	147	61	39
Broach	178	67	33
Khándesh	118	64	36
Thána ... ... } Kolába	439	58	42
Násik	331	72	28
Ahmednagar	56	71	29
Poona	146	71	29
Sholápur	95	63	37
Sátára	290	73	27
Belgaum ... ... } Kaládgi...	241	62	38
Dhárwár	171	74	26
Ratnágiri	461	64	36
Kánara	186	67	33
Karáchi...	8	75	25
Hyderabad	47	53	47
Shikárpur	130	68	32
Thar and Párkar	3	67	33
Panch Maháls	44	77	23

Execution of Decrees.

48. The total number of applications for execution of decrees before the several courts was 268,579 : of these in

30,371 cases satisfaction was obtained in full,
45,912 do. do. in part,
143,018 the applications were wholly infructuous,
14 the applications were transferred to other provinces for disposal,
48,197 applications were pending at the close of the year.

49. Judgment-debtors were arrested in 4,228 cases without being imprisoned and were actually imprisoned in 2,007 cases. In the year 1881 they were arrested without imprisonment in 4,410 cases and were imprisoned in 1,738 cases.

50. The total amount recovered in execution proceedings was Rs. 31,88,851

51. In the Mofussil very little recourse is had to the Insolvency provision of the Civil Procedure Code and the Deccan Agriculturists' Relief Act. The total number of applications under Chapter XX of the Civil Procedure Code was only 591, and Dr. Pollen reports that the Insolvency Chapter of the Deccan Agriculturists' Relief Act continues to be almost wholly inoperative.

52. In the Insolvency Court in Bombay, constituted under 11 and 12 Vict. c. 21, 517 applications were presented against 489 in the previous year.

53. The number of Civil cases tried with the aid of Assessors was 20, all under Act X. of 1870 (the Land Acquisition Act). In the Chief Pársi Matrimonial Court the two cases coming before it for trial were disposed of with the assistance of Delegates.

54. A tabular statement is given as an Appendix to this report showing concisely the exact state of the work in each district subordinate to the High Court.

55. No mention has been made of Revenue cases in this report, because it was found that such uncertainty prevailed as to what proceedings should

be included in the returns that the figures given were only misleading and useless. It appears that the headings in the tabular statements relating to Revenue Courts are not adapted to the arrangements in this Presidency. No doubt a number of proceedings, judicial in their nature, are held before the Collectors and other officers of Government, but these proceedings are so closely connected with those taken in the discharge of their ordinary executive functions that it is most difficult to say what orders should be included in the Returns and what should be omitted. Moreover, unless the nature of the proceedings and the laws under which they were taken are specified in some detail, it is difficult to see what purpose can be served by returns which merely state that a given number of judicial orders were passed by the Executive officers of Government.

E. M. H. FULTON,
Registrar.

Her Majesty's High Court of Judicature, Appellate Side,
14th September 1883.

St atement showing the work done by the Sessions and Civil Courts in the Regulation Districts of the Presidency of Bombay during the year 1882.

Names of Districts.	Sessions Courts. Criminal Work.		District Courts. Civil Work.										Subordinate Courts. Civil Work.						Small Cause Courts. Civil Work.					
			Original.				Appeals.						Original.						Original.					
	Cases disposed of by Sessions Courts.	Appeals disposed of by Sessions Courts.	Total number of suits before the Courts.	Disposed of.	Pending at the end of 1882.	Pending at the end of 1881.	Total number of appeals before the Courts.	Disposed of.	Pending at the end of 1882.	Pending at the end of 1881.	Execution proceedings disposed of.	Total number of miscellaneous cases disposed of.	Total number of suits before the Courts.	Disposed of.	Pending at the end of 1882.	Pending at the end of 1881.	Execution proceedings disposed of.	Total number of miscellaneous cases disposed of.	Total number of suits before the Courts.	Disposed of.	Pending at the end of 1882.	Pending at the end of 1881.	Execution proceedings disposed of.	Total number of miscellaneous cases disposed of.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
Ratnágiri	14	29	12	8	4	5	987	461	526	393	16	136	7,233 885	5,794 730	1,439 155	1,870 226	8,203 486	570 230	...	...	...	...	...	...
Dhárwár	43	22	1	1	...	..	203	171	32	28	6	49	3,419 419	2,724 389	695 30	556 54	2,868 377	577 2	...	...	...	...	...	...
Belgaum	66	38	4	1	3	1	386	241	145	134	16	103	5,724 1,233	4,769 1,102	955 131	1,228 1,143	4,849 951	664 43	...	...	...	...	...	..
Kaládgi	34	31																						
Kánara	29	10	3	2	1	1	266	186	80	70	3	87	2,269 680	2,021 617	248 63	437 49	1,998 287	407 7	...	...	...	...	...	...
Khándesh	49	32	4	2	2	2	495	118	377	214	4	92	13,577 9,572	11,108 8,266	2,469 1,306	2,871 1,665	27,805 12,310	1,022 71	...	...	...	...	...	...
Ahmednagar	36	10	9	...	9	3	285	56	229	93	17	154	6,519	4,957	1,562	1,729	11,232	1,007	...	...	...	...	...	...
Poona	47	38	7	6	1	1	247	146	101	23	26	208	6,476	4,494	1,982	1,924	9,134	1,244	4,204	3,779	425	549	8,010	1,309
Sholápur	39	21	10	2	8	5	200	95	105	92	...	153	3,577	2,170	1,407	1,118	3,612	375	...	...	...	...	...	...
Sátára	50	29	4	4	...	3	407	290	117	134	15	141	7,292 1	4,466 1	2,826 ...	2,156 1	8,941	898	...	...	...	...	...	...
Násik	27	7	23	15	8	2	550	331	219	330	...	44	8,084 3,154	6,621 3,049	1,463 105	1,023 624	10,527 5,478	615 51	...	...	...	...	...	...
Thána	66	34	49	43	6	11	1,171	439	732	791	24	131	10,596 2,103	8,276 1,897	2,320 206	2,571 422	16,228 1,847	965 ...	...	...	...	...	...	...
Kolába	9																		...	...	...	...	...	...
Surat	32	13	23	23	...	1	273	147	126	174	9	239	2,493 2,090	2,105 1,938	388 152	508 210	4,114 1,485	301 17	3,503	3,062	441	498	2,639	156
Broach	20	10	6	5	1	1	292	178	114	179	7	130	4,054 1,375	3,658 1,276	396 99	539 137	12,043 2,689	354 22	1,496	1,311	185	245	1,720	283
Ahmedabad	30	76	156	72	84	78	455	202	253	179	27	284	11,508 6,159	9,910 5,541	1,598 618	1,860 632	19,536 13,134	728 77	4,399 973	3,736 875	663 98	650 75	6,001 1,567	389 36
Kaira	53																							

The black figures show the work done by the Subordinate Judges with Small Cause Court powers.

Her Majesty's High Court of Judicature, Appellate Side,
Bombay, 14th September 1883.

E. M. H. FULTON,
Registrar

No. 1410 OF 1883.

From

E. T. CANDY, Esq.,
Acting Judicial Commissioner in Sind,

To

THE REGISTRAR,
Her Majesty's High Court, Bombay.

Judicial Commissioner's Office,
Karáchi, 28th July 1883.

SIR,

I have the honour to forward the Annual Statistical Returns and Administration Reports of the District and Sessions Judges, the Judge Court of Small Causes, Karáchi, and the District Magistrates in Sind for the year 1882, with 13 statements incorporating those Returns and the Returns for the Sadar Court, which are also forwarded.

2. The final District Reports were received on the following dates :—

From the District and Sessions Judge,	Karáchi,	on 13th April	1883.
Do. do.	Hyderabad	„ 13th „	„
Do. do.	Shikárpur	„ 2nd May	„
Judge Small Cause Court,	Karáchi,	„ 12th April	„
District Magistrate of	Karáchi,	„ 4th June	„
Do. do.	Hyderabad	„ 7th „	„
Do. do.	Shikárpur	„ 16th May	„
District Magistrate and Deputy Commissioner,	Thar and Párkar,	„ 20th June	„
Do. Upper Sind Frontier District,	Jacobabad	„ 21st May	„

3. No returns were furnished by the Judge of the late Jacobabad District, and as his records were transferred to the District Judge of Shikárpur on the issue of Government Notification No. 2716 of the 23rd April 1883, [*Bombay Government Gazette* for 1883, page 316], abolishing the Upper Sind Frontier District as a separate District for the purposes of Section 2 of Bombay Act XII of 1866, and restoring the jurisdiction of the District Court of Shikárpur over the Jacobabad District, it was necessary to apply to the District Judge of Shikárpur for Statements Nos. 7 to 11 for the late Jacobabad District. These Returns were received on the 23rd instant, and are herewith forwarded. It was necessary to make a reference on the 24th by telegram, in connection with one of the Returns; to the reference so made, a reply was received late on the same day. It was owing to this that the Report has been so delayed.

CRIMINAL JUSTICE.

STATEMENT No. I.

Part I.

4. The Sessions Divisions, and the District and Divisional Magistracies and the powers exercised by the officers remained unaltered in 1882.

5. The total area of the province according to the latest census being 48,014 square miles, and the number of proved criminals in the year being 10,286, this number shows that there was 1 criminal to every 4·6 square miles of the area with a total population of 2,413,823, the percentage of proved criminals equalled ·42.

Part II.

The courts were presided over by 27 officers exercising Criminal powers only, while the number exercising Civil powers only was 12. 17 officers exercised Criminal and Civil powers, and 103 exercised Revenue powers in addition.

Twenty-six per cent. of the Magistrates, F. C., were Natives, and of 108 II and III Class Magistrates, 106 were also Natives; all the Subordinate Judges were also Natives.

Part III.

The statement of receipts and charges of the various courts shows that the income from all sources of all courts was Rs. 2,83,681, and that the expenditure amounted to Rs. 5,10,317.

It is necessary to note with reference to the charges for 1882 that they also include those of all Revenue Courts in the Province, acting as Civil Courts, whereas in 1881, in accordance with instructions at the foot of Statement No. XIV, in Districts where the same establishments were employed in different Departments, only a share of the cost, calculated on an estimate of the time of each officer employed, was shown.

STATEMENT No. II.

6. The offences reported numbered 21,520, but only 16,147 cases were returned as true, and only 12,572 persons were brought to trial. Of 22,114 persons (including the balance of persons pending from the preceding year) under trial in 1882

11,251 were acquitted or discharged, and
10,286 were convicted,
33 are returned as "died, escaped or transferred to another District," and
544 awaited trial at the close of the year.

Comparing the figures of this statement with those of the statement for 1881, it will appear that there has been a decrease in 1882 both in the number of offences reported and in the number of cases returned as true, with a corresponding decrease in the number of persons under trial, the results of which show that whereas in 1881 the number of persons acquitted or discharged was 11,564, and the number convicted was 11,637, the figures for 1882 are, respectively, 11,251 and 10,286. But the number of persons awaiting trial at the close of 1882 was greater by 69 than it was at the close of the preceding year.

7. The subjoined table exhibits the increase and decrease, respectively, in the following classes of offences reported as true in 1882 as contrasted with the statistics for 1881 :—

Class of Offences.	1881.	1882.	Increase.	Decrease.
I. Against the person	4,168	3,980	...	188
II. Against property	7,399	6,579	...	820
III. Other offences under the Indian Penal Code ...	1,943	2,195	252	...
IV. Offences against Special and Local Laws ...	3,714	3,393	...	321
Total ...	17,224	16,147	252	1,329
			Net Decrease ...	1,077

8. A decrease is to be observed in each of Classes I, II and IV, while there has been an increase in Class III, in which the number of cases reported as true has exceeded by 252, the number so returned in 1881. The general result, however, exhibits a net decrease of 1,077, compared with the figures for 1881.

Offences affecting the human body.

9. Three thousand nine hundred and eighty of these offences were returned as true, for which 7,078 persons were under trial, with the result that 2,425 were convicted, and 4,499 were acquitted or discharged; 3 died or escaped, and 151 persons remained under trial at the close of the year.

Offences affecting life.

10. One hundred and two out of 3980 offences affecting the human body were returned as true as affecting life, involving 183 persons, who were thus disposed of :—

Convicted	67
Acquitted or discharged	84
Died or escaped	2
Awaiting trial at the end of 1882	30

Murder.

11. As in 1881, the number of murders reported in the year under report in the Karáchi District was 7, of which 1 was of a wife by her husband from motives of jealousy; 3 were for the sake of robbery; 2 from other causes, and 1 was for revenge. There were 3 cases of murder in the Hyderabad District as against 15 reported in the preceding year. Of 3 persons concerned in 1882, 2 were convicted and 1 was acquitted. In the Thar and Párkar District, there was 1 case, implicating 4 persons, of whom 2 were convicted and 2 were discharged. The District Magistrate of Shikárpur records that only 8 cases of murder were reported in that District as against 25 in 1881. The cases reported (involving 11 persons) may be thus classified :—

From motives connected with women	4
Connected with claim to the possession of property	1
From other causes...	3

Hurt.

12. Four thousand seven hundred and seventy-six persons were under trial for this offence in 2,118 cases as against 4,689 persons in 1881. Of the number brought to trial in 1882, 2,719 were acquitted or discharged and 1,974 were convicted; 1 died or escaped, and 82 were awaiting trial at the close of the year.

Rape.

13. This offence involved the trial of 28 persons in 1882 with the following results :—

Convicted	19
Acquitted or discharged...	6

3 were pending trial at the close of the year.

The convictions in 1882 exceeded by 13 those recorded in 1881, whilst the acquittals in the latter year exceeded those in 1882 by 5.

Unnatural offences.

14. Seventeen persons were acquitted or discharged of this offence in 1882 and 3 were convicted, while 1 was under trial when the year closed. There were thus 21 persons under trial compared with 10 in 1881. The percentage of acquittals and discharges was therefore 85, of the number of persons (20) actually tried, whereas the percentage of convictions was only 15.

Robbery and Dacoity.

15. Eighty-seven offences of this description were reported, but only 60 cases were returned as true, and only 55 cases were brought to trial with 142 persons, of whom 79 were acquitted or discharged, and 55 were convicted, 1 died or escaped, and 7 persons were under trial at the close of the year.

Theft.

16. Against 5,065 offences of theft in 1881 there were but 4,398 returned as true in 1882; 2,758 cases with 3,916 persons were brought to trial in 1882. 1,469 of that number were acquitted or discharged against 2,326 persons who were convicted, leaving 106 under trial at the close of the year, 15 having died or escaped.

Offences under Special and Local Laws.

17. This class of offences, returned as true, numbered 3,393 compared with 3,714 in 1881. 4,136 persons were brought to trial in 3,088 cases, with the following results :—

Acquitted or discharged	943
Convicted	3,154
Died or escaped	4
Pending	35

A comparison of the figures for 1882 with those for 1881 shows that the number of this class of offences has decreased in 1882 by 321, and that the persons brought to trial for offences under special and local laws has likewise decreased by 641.

A supplementary statement exhibits the offences under the several laws under which they fall.

18. No offences falling under Chapter VI. Indian Penal Code (relating to the State) and Chapter VII (relating to the Army and Navy) were reported during the year.

STATEMENT No. III.

19. The courts held 559 miscellaneous proceedings under the Code of Criminal Procedure, involving 772 persons, of whom 254 were discharged and 514 were convicted or bound by order. Four were under trial at the close of the year.

The largest number of proceedings, *viz.*, 326, were held under Chapter XXXVIII, with 410 persons concerned, of whom 101 were discharged and 308 were convicted or bound by order, leaving one person whose case was pending at the close of the year.

The smallest number of proceedings was under Chapter XXIX in which one assessor was convicted.

One hundred and twelve persons were concerned in 74 proceedings under Chapter XLI, 89 of this number were discharged and 23 were bound by order.

The other miscellaneous proceedings may be thus classified in order of the number of persons concerned :—

1	Chapter	XXXVII	with	89	persons concerned.
2	Chapter	XVI	with	44	" "
3	Chapter	XXXIX	with	42	" "
4	Chapter	XXVIII	with	34	" "
5	Chapter	XXXII	with	16	" "
6	Chapter	XXVI	with	15	" "
7	Chapter	XL	with	9	" "

STATEMENT No. IV.

General result of Criminal Trials.

20. The general result of Criminal trials, in the tribunals of all classes in the Province, shows that 23,182 persons were under trial in 1882, and that 53,993 witnesses were examined.

21. Stipendiary Magistrates sitting singly tried 21,643 persons, of which number 10,852 were discharged or acquitted. Of the balance, 8,003 persons were convicted on regular trial and 1,233 on summary trial; and 1,047 persons' cases were committed or referred, leaving 485 persons under trial at the close of the year.

Divisional and District Magistrates dealt with 1,211 cases received under Section 46 of the Code of Criminal Procedure, 1872. The trial of the cases so referred resulted as follows :—

Acquitted	301
Convicted	876
Committed...	4

Six persons, whose cases were referred, are reported to have died or escaped, and 24 persons were under trial at the close of the year.

The District Magistrates had 59 persons under trial in 1882, of which number only one awaited trial when the year closed.

Two hundred and fifty-two persons were under trial by the Sessions Courts. Eighty-four were acquitted and 120 were convicted, and in 16 cases the sentences were submitted for confirmation. Two died or escaped and 30 persons were awaiting trial in the Sessions Courts at the close of 1882.

The Sadar Court confirmed 8 sentences of death, and commuted the sentence to transportation in the case of 5 persons. Four persons who were sentenced to death had their cases pending at the close of the year. The Sessions Judge of Hyderabad has erroneously shown 1 instead of 2 persons in 1 case from the Thar and Párkar District.

22. The general result of the working of the Criminal Courts shows that 13,019 cases were disposed of in the Province during the year under report, thus :—

By Magistrates other than Divisional and District Magistrates, 12,064 with an average duration of 13·42 days.

By Divisional and District Magistrates—cases referred under Section 46 of Act X of 1872—790 with an average duration of 35·82 days.

By Chief Magistrates of Districts, 21 with an average duration of 2·82 days.

The average duration of 133 trials in the Courts of Session was 22·23 days while that of 11 cases in the Sadar Court was 23·6.

Number of Witnesses examined.

23. The total number of witnesses examined in 1882, *viz.*, 53,993, shows a decrease of 1,532 compared with the figures (55,525) for 1881. Stipendiary Magistrates sitting singly examined 47,105 against 5,736 witnesses examined by Divisional and District Magistrates in cases referred under Section 46 of Act X of 1872. Chief Magistrates of Districts examined 58, and the Sessions Courts 1,094 witnesses.

Sessions Trials.

24. The following is a comparative tabular statement of Sessions trials in the Province during the Calendar years 1881 and 1882 :—

Number of Persons under trial.	Acquitted.	Convicted.	Died or escaped.	Pending trial.	Remarks.
		1881.			
344	141	175	3	25	Exclusive of cases submitted for confirmation of the sentence of death on 17 persons.
		1882.			
252	84	120	2	30	
92	57	55	1	...	Decrease.
....	...	...	...	5	Increase.

Punishments.

25. The subjoined table shows in detail the various descriptions of punishments inflicted in 1882 as compared with the statistics for 1881, together with any comparative increase or decrease:—

Punishments.	No. of Cases.		Increase.	Decrease.
	1881.	1882.		
Death	14	8	...	6
Transportation	44	25	...	9
Penal servitude...	...	...	...	...
Imprisonment... Rigorous	4,174	3,414	...	760
Imprisonment... Simple	48	41	...	7
Forfeiture of property	...	...	...	...
Fine	8,332	7,696	...	636
Whipping	363	228	...	135

Whipping.

26. One hundred and sixty-one whippings were inflicted under Sections 2 and 3 of Act VI. of 1864 in lieu of other punishments, and 63 in addition to other punishments under Sections 3 and 4. Four whippings were inflicted on juveniles under Section 5 for offences other than those for which the whippings above noted were inflicted. The total number of whippings awarded was therefore 228, and bore the percentage of 3·79 to the total number of other punishments (6,012), not counting punishments of which whipping was a part, but including all cases in which it might have been inflicted.

Fines.

27. Fines were inflicted in 7,696 cases, the total amount imposed being Rs. 1,00,901. The sum realized during the year was Rs. 71,315, and Rs. 4,855 were awarded by way of compensation. The realizations, however, include amounts recovered from fines imposed in previous years also. In no case was a fine exceeding Rs. 500 awarded. In 6,051 cases the amount imposed was Rs. 10 and under; in 1368, it was Rs. 50 and under; and in 199 it was Rs. 100 and under; while the maximum of Rs. 500 and under awarded was inflicted in only 78 cases.

Imprisonment.

28. Imprisonment was awarded on the following scale:—

15 days and under in 378 cases,
6 months and under in 2,074 cases,
2 years and under in 1,085 cases,
7 years and under in 50 cases,

which gives a total of 3,455 persons who were sentenced to imprisonment, inclusive of 132 persons who were imprisoned in default of furnishing security for their good behaviour.

STATEMENT No. VI.

Appeal and Revision.

29. The number of appellants before the courts was 684, of which number there were before the

District Magistrates	215
Courts of Session	372
Sadar Court	97

Two hundred and two appeals were rejected; the sentences were confirmed in 302; they were enhanced in 8, and in 72 the sentences were reduced or otherwise altered. Seventy-four sentences were reversed, and proceedings were quashed in appeal in 2 cases.

30. Contrasting the number of appeals in 1882 with those of the preceding year, *viz.*, 977, there appears a decrease of 293, which may be attributed to the smaller number of convictions in the year than there were recorded in 1881.

The appeals to the District Magistrates increased by 12, but the number of appellants to the Courts of Session and to the Sadar Court decreased by 254 and 51, respectively.

Twenty-one appeals were pending at the close of the year as against 11 in 1881; 13 were awaiting disposal by Courts of Session, 4 by the District Magistrates and an equal number by the Sadar Court.

The average duration of appeals was 19·92 days before the Magistrates, 12·34 days in the Sessions Courts, and 18·4 days in the Sadar Court.

31. The Courts dealt with 154 cases in revision otherwise than on their own motion. Six of this number were dealt with by the District Magistrates, who confirmed the sentence or order in 5 cases, and reversed the sentence in 1. The Sessions Courts had 4 applications, which were disposed of thus :—

Rejected	2
Sentence or order confirmed	1
Pending	1

Sixty-nine cases were reported to the Sadar Court, and 75 were called for on application. The sentences or orders were confirmed in 26 of the cases reported; in 2 the sentences were enhanced; in 9 cases the sentences were reduced or otherwise altered, and in 24 they were reversed. New trial or further enquiry was ordered in 7 cases, and 1 of the reported cases was pending at the close of the year.

The 75 cases called for by the Sadar Court on application were disposed of with the following results :—

Sentence or order confirmed	33
Sentence enhanced	1
Sentence reduced or otherwise altered	7
Sentence reversed	20
New trial or further enquiry ordered	5
Pending	9

The average duration of these cases of revision was 15·2 days in the Magistrates' Courts and 36·25 days in the Sessions Courts; that of cases reported to the Sadar Courts being 6·9 against 16·4 days in cases called for by the court on application.

32. A supplementary statement No. VI. has been prepared with a view to furnishing statistics of revision in cases called for by the courts otherwise than on application. The total number of such cases was 804 (involving 984 persons), of which 363 were reviewed by District Magistrates, 127 by the Sessions Courts and 314 by the Sadar Court.

Of the cases reviewed by the District Magistrates, 19 were reported to the Sadar Court, in 1 new trial or further enquiry was ordered, and in 1 case the sentence was reversed, the orders in 388 having been left untouched. Twenty-seven cases were pending before the Magistrates at the close of the year.

The Sessions Judges reported 17 out of the 127 cases called for by them, and returned the balance.

The Sadar Court, in dealing in revision with the 314 cases called for of its own motion, enhanced the sentence in 1 case, and reduced or otherwise altered it in 34. It reversed the sentence in 100 cases and ordered new trial or further enquiry in 13; 231 cases were returned without interference, and 17 awaited disposal at the close of the year.

The average duration of the cases returned in supplementary statement No. VI. was—

Before Magistrates of Districts ...	24·93 days.
Do. Sessions Courts ...	16·84 „
Do. Sadar Court ...	24·1 „

Jurors and Assessors.

33. Jurors were employed only in the Shikárpur District in two cases under Chapter XXXIX. of the Code of Criminal Procedure. The average number so employed was 5, and the courts concurred with their verdict in both cases.

One hundred and three cases were tried by the Sessions Courts with the aid of assessors, the average number employed in each case being 2. In 74 cases so tried the Judge agreed with the assessors, in 9 he differed from one assessor and in 20 from both assessors.

Statement No. VII.

Institution of Suits.

34. The institution of suits of all descriptions, inclusive of those for the recovery of possession or removal of obstruction, under Bombay Act III. of 1876, amounted to 22,148 as against 23,214 in 1881, thus showing a decrease in litigation of 1,066 suits; 93 of this number were under Bombay Act III. of 1876 and the balance in other suits.

The institutions were as follows:—

Sub-Judges' Courts	19,606
Small Cause Court, Karáchi	2,168
District Courts	112
Mámlatdárs' Courts	262

35. The following table furnishes a comparison between the number of suits instituted in each class in 1881 and 1882, respectively:—

Classes.	No.		Increase.	Decrease.
	1881.	1882.		
For Money or Moveable Property.				
On contract in writing	6,852	6,403	...	449
On contract not in writing	2,132	2,352	220	...
Account stated...	9,170	8,888	...	282
For money had and received	611	446	...	165
For goods sold...	2,305	2,058	...	247
For wages, work and material	119	140	21	...
For breaches of contract not mentioned above ...	373	107	...	266
For rent of houses, &c., other than land ...	247	222	...	25
For moveable property or value thereof ...	310	375	65	...
Damages	37	36	...	1
Suits to establish Title and other Suits.				
For arrears of rent of land with or without cancelment of lease...	46	56	10	...
For enhancement or abatement of rent	...	...	...	...
Relating to distraint	6	1	...	5
Damages for extortion or withholding receipts or on account of illegal restraint or other cause ...	1	...	...	1
For Pottahs or Kabuláyats	...	4	4	...
Suits under Bombay Act III. of 1876	355	262	...	93
Suits for immoveable property	177	150	...	27
For declaratory decrees	12	21	9	...
Other suits under the Specific Relief Act ...	1	...	...	1
Suits to declare and establish rights to real property including pre-emption, &c.	273	237	...	36
Suits to establish and declare personal rights ...	2	5	3	...
Suits for account	21	5	...	16
Relating to religious endowments	...	...	...	...
Suits to set aside judgments, contracts or obligations on the ground of fraud	...	...	...	...
For dissolution of marriage...	1	...	...	1
Suits for enforcement of matrimonial rights ...	48	40	...	8
For partition	34	36	2	...
Relating to shipping	1	...	...	1
Suits relating to religion and caste	...	...	...	...
Administration suits	...	34	34	...
Inter-pleader suits	...	...	...	...
Dissolution of partnership	23	8	...	15
Suits under Section 261, Act X. of 1865 (also Hindu Wills' Act)	...	...	...	...
Other suits not falling under any of the previous heads	57	262	205	...
			573	39
Net Decrease ...				1,066

36. The largest decrease falls under the class of suits for money or immoveable property brought on contracts in writing, and the greatest increase is to be observed in the class of suits instituted on unwritten contracts for money or moveable property. Suits for immoveable property decreased by 27, but those for moveable property or value thereof show that 375 were filed against 310 in 1881. As in the previous year, there was no suit in 1882 to set aside any judgment, contract or obligation on the ground of fraud, nor was there any suit relating to religion and caste, or relating to religious endowments. Suits for enforcement of matrimonial rights decreased by 8 in 1882, and whereas there was 1 suit in 1881 for dissolution of marriage, there was none in 1882.

Statement No. VIII.

37. Although the returns show a decrease in the number of suits instituted in 1882, their value has increased by Rs. 2,01,448-3-1 over the value of the suits instituted in 1881, the figures for the last two years being, respectively, Rs. 19,41,912-8-8 and Rs. 17,40,464-5-7.

38. Suits for sums not exceeding

Rs.	10	numbered	5,382	against	5,326	in 1881.
„	50	„	10,082	„	10,766	„
„	100	„	3,282	„	3,319	„
„	500	„	2,663	„	2,946	„
„	1,000	„	248	„	261	„
„	5,000	„	110	„	133	„
„	10,000	„	7	„	5	„

There were 6 suits for sums exceeding Rs. 10,000 as against 5 in 1881 and 1 suit was filed in 1882 in which the value exceeded Rs. 1,00,000.

Statement No. IX.

Part I.—Civil Suits.

39. Including the balance of the preceding year with suits re-admitted and instituted in 1882, the courts had 23,523 suits before them in the year under report, of which number 5,992 were disposed of without trial. Seven thousand eight hundred and fourteen were compromised, 1,759 were decreed on confession and 2,320 *ex-parte*. *Ex-parte* dismissals amounted to 82.

In contested suits, judgment, in whole or in part, was recorded for the plaintiff in 2,968 cases, and in 594 for the defendant.

Five hundred and seventy-eight references were made to arbitration, with the following results :—

For plaintiff	539
„ defendant	39

40. The general result of the trial of civil suits shows that the courts disposed of 22,146 out of the total number before them, leaving a balance for disposal at the close of the year of 1,376, of which number only 382 were pending more than three months. But though these balances are small, they are slightly in excess of the figures at the close of 1881.

41. The average duration of each contested suit in the Subordinate Courts was 53·91 days in which there was no contest. For the District Courts the figures are, respectively, 187·31 and 88·61 days.

In the Court of Small Causes, Karáchi, the contested suits were disposed of after an average duration of 13·71 days against 10·34 days occupied in the disposal of each uncontested suit. The average duration for the Mámlatdárs' Courts is 31·64 and 18·84 days in contested and uncontested suits, respectively.

Statement No. IX.

Part II.—Miscellaneous Cases (Judicial).

42. Eight hundred and ninety-eight miscellaneous judicial cases were disposed of by the courts out of an aggregate of 1,031, thus leaving for disposal 133 suits when the year closed.

The Judges of the Subordinate Courts disposed of 714, thus :—

Without trial	203
Compromised	43
Decreed on confession	74
„ *ex-parte*	12
Dismissed „	7
Judgment for plaintiff after contest	240
Do. for defendant after contest	129

Two of the suits in the Subordinate Judges' Courts were transferred to courts in other districts, and 4 were referred to arbitration, of which 3 were awarded in favour of plaintiff and 1 of defendant.

43. The Judge of the Small Cause Court had 96 miscellaneous cases before him, of which only 11 were undisposed of at the close of the year, with 3 of that number pending more than three months.

44. One hundred and thirty-eight suits of this description were before the District Judges, 5 were disposed of without trial, 3 were compromised, 2 decreed on confession and 46 *ex-parte*, and 13 were dismissed *ex-parte ;* 1 suit was referred to arbitration, and resulted in an award for the plaintiff. Of 29 miscellaneous cases contested, judgment was entered for plaintiff in 23 and for defendant in 6.

45. The average duration of these cases was :—

	Contested.	Uncontested.
In the Subordinate Judges' Courts	41·58	33·96
„ Small Cause Court, Karáchi	56·67	16·5
„ District Courts	63·06	79·28

Statement No. X.

Part I.—Appeals from Decrees.

46. The Sadar Court disposed of 25 appeals (out of a total of 32) with an average duration of 145·4 days: 1 appeal was summarily rejected, 1 was compromised and 1 modified ; 11 were confirmed and an equal number was reversed.

47. The District Courts had 365 appeals for disposal, of which 195 were thus disposed of :—

Transferred	7
Summarily rejected...	26
Confirmed *ex-parte*	2
Reversed do.	1
Remanded do.	1
Confirmed after contest	67
Modified	23
Reversed	33
Remanded	9

Of the balance pending, 138 were over three months. The average duration of each appeal was 262·82 days in the District Courts.

Part II.—Miscellaneous Judicial Appeals.

48. There were 35 such appeals before the courts, *viz.*, 13 in the Sadar Court and 22 in the other Appellate Courts ; 25 of the number were disposed of and 10 were pending at the close of the year, namely, 1 in the Sadar Court and 9 in the District Courts, in which there were 8 pending more than three months.

49. The result of these appeals may be thus classified :—

	Sadar Court.	District Courts.
Transferred	0	2
Summarily rejected	4	2
Dismissed for default	1	1
Confirmed *ex-parte*	0	1
Compromised	1	0
Confirmed after contest	4	1
Modified after contest	0	2
Reversed after contest	2	4

50. The average duration of these appeals was 125·69 and 55·6 days in the District Courts and in the Sadar Court, respectively.

51. In addition to the miscellaneous judicial appeals disposed of by the Sadar Court, it called for 23 cases under the provisions of Section 622 of the Code of Civil Procedure, and disposed of 17 of such cases before the close of the year. The court also disposed of 6 cases called for under the provisions of Section 617 of the Code.

Statement No. XI.

Execution Proceedings.

52. The result of proceedings on applications for execution of decrees in the courts of the Province during 1882 may be thus summarized :—

Number for disposal		17,911
Disposed of—		
By transfer	89	
„ satisfaction obtained in full	2,132	
„ „ „ in part	1,362	
Applications wholy infructuous	11,403	
		14,986

Pending at the end of the year 2,925, of which number 2,192 were pending more than three months.

53. The realizations in execution amounted to Rs. 1,05,884-3-1 on the issue of process, and to Rs. 25,824-2-8 without issue of process.

54. Three hundred and seventy-three judgment-debtors were imprisoned and 877 were arrested but released without imprisonment; 289 were imprisoned in execution of the decrees of the Subordinate Courts; 68 on decrees obtained in the Small Causes Court, Karáchi, and 16 in execution of the decrees of the District Courts.

55. The aggregate number of applications on which moveable property was sold was 214 against 295 in 1881, and that on which such property was attached, but was subsequently released, amounted to 672 against 741 in the preceding year.

56. No application was dealt with under Sections 305, 322, or 326 of the Civil Procedure Code.

57. Immoveable property was sold on 228 applications as against 249 in 1881, and the number of applications on which such property was attached, but was subsequently released, amounted to 399 as compared with 526 in 1881.

58. Possession was given of moveables on 2 applications, and of immoveables on 41, compared with 2 and 33, respectively, in the year preceding.

59. Specific performance was enforced on 2 applications, and partition was effected on 3. Applications on which execution was effected otherwise than above specified numbered 67.

Statement No. XII.

Insolvency Proceedings.

60. There were in all 92 applications for declaration of insolvency in 1882 compared with 66 in the previous year.

61. Courts other than the District Courts had 90, and disposed of 69 as follows :—

Transferred or withdrawn	26
Granted with appointment of Receiver	16
Do. without do.	7
Rejected	16
Do. with sentence of imprisonment under Section 359 ...	4

62. The District Courts had only 2 applications, 1 of which was transferred and the other was granted; no Receiver being appointed.

63. Thirty-eight insolvents were discharged during the year under Section 355; 5 of this number having been discharged by the District Courts and 33 by courts other than the District Courts.

64. The admitted amount of creditors' claims dealt with during the year was Rs. 1,86,550-13-5, and that satisfied was Rs. 1,45,176-9-2. These figures are considerably in excess of those for 1881, but in one proceeding before the District Court of Karáchi, the amount admitted was Rs. 1,85,000, that satisfied being Rs. 1,45,000.

65. The gross amount of insolvents' assets realized and disbursed during the year under report was Rs. 1,795-12-7 and Rs. 2,002-1-1, respectively, against Rs. 1,102-11-1 and Rs. 905-11-5, respectively, in 1881.

General Remarks.

66. The Subordinate Magistrates' and Subordinate Judges' records were carefully examined as far as was practicable while the Judicial Commissioner was on tour in 1882.

The records of some of the Subordinate Magistrates were found to contain several irregularities, which have led to the framing of rules, having for their object the prevention of similar irregularities and the introduction of a uniform and systematic method of preparing and keeping the Magistrates' records.

No serious irregularities were observed in the records of any of the Subordinate Civil Courts, excepting in those of the Subordinate Civil Court of Jacobabad. These were remedied where possible by the Sadar Court, and it is hoped that they will not be noticed in future examinations.

The record-rooms of the District and Subordinate Courts are generally in a good condition but want of accommodation is felt in some of the courts, which it is proposed to supply as funds become available.

The destruction of useless records is proceeded with each year by one or more members of each court's establishment during the annual vacation, whenever it is granted to the courts by the Sadar Court, on a consideration of the state of the file, and arrears of business and other circumstances connected with each court.

I have the honour to be,
Sir,
Your most obedient servant,
E. T. CANDY,
Acting Judicial Commissioner in Sind.

No. 1840 of 1883.

From

J. K. SPENCE, Esq.,
Acting Agent, Governor, Panch Maháls;

To

The REGISTRAR to HER MAJESTY'S
HIGH COURT of JUDICATURE,
Bombay.

Camp Hálol, 18th May 1883.

Sir,

I have the honour to submit the administration report for the past year with the usual returns. I have been in charge of the Agency for so short a time that it will be impossible for me to do more than state the boldest facts. I shall also omit all information included in last year's report which applies to this year and in which there is no change to record.

Criminal Justice.

2. There were during the year under report

3 Magistrates, Third Class.
4 „ Second „
2 „ First „
1 Assistant Judge (*i.e.* Assistant Agent).
1 Sessions „ (*i.e.* Agent).
1 High Court (Government).

3. The state of crime has remained almost on a par with that of last year. The following statement shows a slightly fewer number of offences reported, a considerably larger number of persons brought to trial, and a very slight increase in the number of convictions :—

Years.	Number of offences reported.	Number of persons brought to trial.	Number convicted.
1878...	2,726	3,384	2,791
1879...	1,285	1,763	1,204
1880...	1,048	1,546	1,016
1881...	951	1,362	848
1882...	938	1,515	855

A large amount of the crime is still due to offences against local laws. One case of murder occurred which was punished with transportation for life and two cases of attempts to commit murder resulted in acquittal.

4. The principal offences against property are shown in the following comparative statement :—

	1878.	1879.	1880.	1881.	1882.
Dacoities	44	25	7	19	13
Robberies	38	30	19		
House-breaking and theft	443	165	57	171	174
Theft of cattle	217	99	32		
Theft, ordinary	1,085	396	152		
Total ...	1,827	715	267	190	187

The numbers for the current year are almost exactly the same as those of last year and coupled with those given in the preceding paragraph the inference seems to be that crime has now reached its normal limit. There will, probably, be no great increase or decrease till another bad season comes.

5. The percentage of convictions to persons brought to trial shows a large falling off :—

1881 ... ... 62·26
1882 ... ... 56·43

The falling off is due to sweeping charges, which could not be maintained, being brought against large numbers of persons, perhaps all members of one family, in cases of hurt, insult, &c. No capital punishment was inflicted but a sentence of transportation for life was passed in a case of murder as stated above in paragraph 3. Two persons were sentenced to seven years' rigorous imprisonment.

6. The subjoined table gives particulars regarding stolen property :—

Years.	Property stolen.	Property recovered.	Percentage of Recovery.
	Rs.	Rs.	
1878...	23,291	9,354	40·33
1879...	18,028	5,537	30·71
1880...	9,768	2,391	24·47
1881...	12,377	7,207	58·22
1882...	16,190	7,625	47·09

The amount of property stolen exceeded that of last year, but it included a sum of Rs. 7,000, the value of the property stolen fron the house of the Nagar Desais of Godhra. The falling off in the percentage of property recovered is unsatisfactory.

7. The number of witnesses examined during the year was 2,819 against 2,720 for the preceding year. The difference seems normal and calls for no remark.

8. The working of the Appellate Courts is shown below ;—

	Number of Persons who presented Appeals.	Sentence enhanced.	Orders confirmed.	Modified.	Reversed.
Agent...	30	...	22	4	4
District Magistrate ...	8	...	5	1	2
1st Class Magistrate ...	27	1	19	1	6
Total ...	65	1	46	6	12

No appeals remained undisposed of. Two appeals were made to Government against the Agent's decisions but were rejected. The number of appeals (65) was much greater than that of the preceding year (29), but the working of the lower courts seems to have been, on the whole, satisfactory.

Civil Justice.

9. I proceed to treat this subject with the greatest diffidence. I have never had anything to do with the practice of Civil Justice and suddenly find myself invested with the powers of a Civil Judge in Regulation Districts.

10. There is no change to record in the working or *personnel.*

11. The number of original suits filed in the Munsifs' Courts during the year amounted to 1,534. This is 118 less than were filed during the preceding year, but the number filed in the Godhra Court showed an increase, while the number in the Dohad Court showed a large decrease. The increase at Godhra is due to the opening of the railway and the consequent progressive advancement of the people, but it is impossible to account for the decrease at Dohad. In addition to the suits filed during the year, 224 were pending at the close of the previous year, giving a total of 1,758 suits on the files of the year under report. Of these 1,512 were decided, leaving 246 on the files at the close of the year. The percentage of suits to population was ·60 against ·67 for last year. The percentage of suits decided was 86·00 against 88·01 for last year.

12. Of the total of 1,758 suits on the file 1,092 were taken up as small causes. Fifty suits from each court were examined by the Agent and appeared to have been satisfactorily disposed of.

13. Miscellaneous suits numbered 72, of which 61 were decided in the year.

14. Out of the total number of suits instituted 91·85 per cent. were for cash debts and moveable property, and a very large number of cases (1,300) was for amounts not exceeding Rs. 100 and 187 cases were for amounts not exceeding Rs. 500.

15. The number of contested suits was 250 against 313 in the preceding year, giving a percentage of 16·53.

16. The total value of the suits admitted within the year amounted to Rs. 1,08,952-11-9 or Rs. 71-0-5 per suit against Rs. 1,48,672-2-9 and average of Rs. 86-14-3 per suit last year.

17. The average duration of contested suits was 104·69 days against 109·86 days last year, and of uncontested suits 50·07 days against 50·27 last year.

18. The Mámlatdárs and Mahálkaris decided 77 suits under Act III. of 1876, none remaining for disposal at the end of the year. The cases were duly examined by the Collector and his Assistants, but nothing worthy of notice was discovered. The average duration of contested suits was 4·14 days against 3·48 in the preceding year, and of uncontested suits 3 days against 2·16.

19. Under the Revenue Code 101 rent cases were decided during the year, 8 cases remaining for disposal.

20. At the end of the preceding year (1881) 68 civil appeals remained for disposal. Government delegated to the Munsifs the power to hear appeals in conjunction with the Assistant Agent, but the rules for their guidance were received too late in the year under report for much progress to be made.

21. During the year under report 29 appeals were presented making a total of 97 on the files. Out of these 44 were decided with the following results :—

6 reversed.
3 modified.
26 confirmed.
8 withdrawn or settled.
1 referred for further enquiry.

Arrangements will be made to dispose of the remaining 53 appeals as speedily as possible.

22. Nine special appeals, including one taken upon review, were made to Government and were disposed of as follows :—

3 appeals were rejected.
3 orders of the Lower Appellate Court were upheld.
2 reversed.
1 appeal remained pending.

23. The suit filed against Government, referred to in paragraph 24 of last year's report, is still pending. Government were pleased to appoint Mr. Boevey as Special Judge to try the suit, but the plaintiff was found to have gone to Benares and the case will be taken up on his return.

24. Late in the year clerks of the court, with a knowledge of English, were appointed to relieve the Munsifs of some of their clerical work, and the arrangement has worked well.

25. The record-rooms are in good order, useless records have been destroyed according to rule, and Court-fee Stamps have been punched as directed.

26. Mr. Jehangir Edalji Modi, Munsif of Dohad, has written a careful and thoughtful report. I am unable to give any opinion regarding Mr. Modi's suggestions, but in order to give some idea of the working of the Civil Courts, I beg to forward selected extracts from Mr. Modi's report. His language is at

times a little involved but his meaning is sufficiently clear. Should it be my duty to submit this report next year, I hope to be in a position to make some practical suggestions.

I have the honour to be,

Sir,

Your most obedient servant,

J. K. SPENCE,

Acting Agent, Governor, Panch Mahâls.

Extract paras. 5, 6, 8 *and* 9 *from Mr. Modi's Annual Report.*

" 5. Taking up some of the headings usually remarked upon in annual reports, I would submit that—

(*a.*) Private arbitration does not appear to be resorted to in dispute between the lenders and the rayat, while there were 4 or 5 cases of a nature to show that such references might be made with the villanous purpose of getting up some evidence of a debtor's liability. A creditor not having much proof of his claim against his debtor, and being sure of the attitude of the debtor on account of the unfairness of his claim, would take some 4 or 5 persons with him, and call upon the debtor to settle accounts. The latter would reply he owed nothing but yet was ready to do it upon a fair basis. Then after a little purposeless disputing, the creditor would break off negotiations on the slightest pretext, and then his friends can, with a safe conscience, as they appear to think, swear in the court that had been called in as Panch (*i. e.* to arbitrate) and that they were settling the claim at a certain figure with the consent of both parties but that there was some slight difference as to the mode of payment, &c., and the arbitration had failed.

Arbitrations by convening of a Panch appear to be common enough in disputes between the Banias themselves, Vaishnavas as well as Jains, especially in Jhálod, which place must bear off the palm for being a hot-bed of perjury and intrigue. As these cases came to my notice, because they had proved failures, I suspect that most of them were not *bonâ fide* references at all but made with a set purpose of getting up evidence. In the course of the whole year only one case of successful arbitration came before me, and then the award was insufficiently stamped and had to be forwarded to you.

Strangely enough in the artisan and other lower classes disputes between members of the same caste are generally first brought before a Panch of the caste and in most cases the disputes are successfully settled.

(*b.*) The position in society of most of the plaintiffs cannot be easily ascertained in court. But the majority are middle class money-lenders; of course, in many cases the defendants themselves are petty money-lenders too.

6. It is in the province of the Executive officers to speak of the condition of the tálukas and the people. But I may observe that almost all the rayats appear to be steeped in debt. A man may have very small means indeed, but his debts are sure to be very large. Indeed one cannot easily concede how such poor men can get into such comparatively large debts. I try freely to utilize the provisions of Regulation V. of 1827, Section 9, and the Contracts Act, Sections 15 to 21, in favour of such debtors. But their ignorance and helplessness are beyond measure. However intrinsically true their story may be, the Bhils have rarely the ability to substantiate it by legal proof. Added to this, the wiles of the Bania are generally too much for him; very often, after patiently hearing for several days a cause which otherwise would have been settled in an hour, I find the creditor inducing the defendant by strange threats, or other sorts of pressure and persuasion, to give up opposition and confess judgment.

(*b*) I think some rule might beneficially be made suited to the circumstances of the people here. Among these, I would particularly notice the mode of settling accounts here. Generally the debtor and the creditor sit down at the latter's shop to make up accounts. There is nobody else present, or occasionally a friend or two of the Bhil accompany him: they are as wise and learned in figures as he, and for many reasons it would be better for the poor Bhil if his friends did not accompany him. After a while, whether they have agreed upon the same matter in the same sense or not, they call in a neighbour to write out a deed. The Bhil tells him he has now settled accounts and will now pass the deed; which then is written out much according to the wish of the creditor. It is then taken to somebody else to attest it. It is very difficult to impugn such a deed even in a strongly well-inclined court. The real stroke of business is done, not in the writing of the deed, but in the settling of the accounts and final balance. When dealings have gone on after the deed passed, further accounts are settled in the same unequal fashion and a new formal deed again taken.

(*c*) What adds to the difficulty is the Bania's keeping three sets of accounts and his intentional confusing of accounts. Two of these accounts he will openly produce in court, one being what he calls his village account (ગામડાંનો હિસાબ) relating to dealings with the Bhils and containing entries fit to support any sort of claim he might put up. The other relates to his dealings with Banias and other regular traders in town. A Bania and a Bhil do not, to my mind, differ much, and I do not see why he should keep their accounts in separate books. The third book has only rarely by chance come before me. It is intended only for the private use of the lender and contains the true account of his dealings with the Bhil.

(*d*) The Bania has an inveterate habit of having two or more debts or accounts relating to the same debtor. Indeed, if he has only a single claim against a customer he will hasten to break it up, securing part of it by bond, and leaving the balance as a claim on account. This gives an opportunity for numerous fraudulent tricks to swallow away any payments made by a debtor, and generally entails much trouble to the court in fully investigating it.

(*e*) Another dishonest practice in confusing his accounts is the manner in which advances for seed, &c., are made. The Bhil's money-lender is also his general purveyor. If he wants cloth, or money, or food, or a bullock on hire, or seed for his fields, generally his money-lender supplies him. About seed advances the general custom is that on reaping his crops the Bhil pays double the quantity of seed he had borrowed at sowing time; and it is generally in the belief that he is repaying in kind the seed lent to him, that the rayat delivers over almost all his corn reaped to the lender. But the latter credits it against the general account of the rayat; and then after a lapse of some months, sets up a money claim for the seed-advance, and enters the price of the seed in, and incorporates it with, the general accounts. At the time the seed is lent prices rule very high; at the time the harvesting is done prices are low as a rule. So that the rayat ultimately remains indebted to a larger amount very often than in the beginning, though he may have repaid in kind double or more the quantity of seed first borrowed. But however plausibly he may allege this in my court he is rarely able to substantiate on account of not having taken care to secure proper testimony at the time of the repayment. I do not see any remedy for this evil.

(*f*) In enquiries about this matter I have been told that the Banias themselves make very little profit after all, and are in no enviable position, and that the Bhils are very great liars and by their dishonesty ruin

many a lender of good position. This last, as a sort of reflex action, is a phenomenon probable enough, while the first part does not afford any good argument. Many a Bania and Borah begets children simply that they might live upon the labour of the Bhil. As soon as a boy reaches his age of discretion he commences "setting up shop," that is purchases two or three basketsful of grain, and tries to get in a Bhil customer. If he succeeds in securing two or three his business is done in no small measure. By the processes above described the Bhil becomes his servant to toil for him for life perhaps.

Naturally enough I find myself unable to think out any satisfactory and unobjectionable remedy for this state of things. But, for your consideration, I could suggest that—

(1) An insolvency law would probably be of much use in freeing the rayats from their accumulated burdens. At present many debts are but mere continuations of old accounts. Very often the original loans were made to the parents of the present debtors. Again the dread of imprisonment is so unreasonably great among these Bhils here that upon a single man getting into trouble two or more others will come forward to bail him out of jail, and afterwards get into trouble themselves. Often the prisoner himself, to get free, would consent to any conditions his creditor may impose, and would acknowledge debts and revivals of debts, which otherwise would surely have died a just and natural death. Notifications by Government as prescribed in Sections 336 and 360 of the Civil Procedure Code are necessary for the above purpose.

(2) A rule might be promulgated that in all dealings with the rayat, the creditor should take care to have some two men at least on behalf of the Bhil able to see that the accounts are fairly made; and that a copy of any deed or account passed in their presence should be immediately given to the Bhil attested by them.

(3) That the deeds passed by the rayats should be required to be upon stamps purchased in their names; and that, if possible, the vendor should take care to enquire about the purpose for which it is required. Also that no stamps of less than two rupees in value should be used three months after the date of purchase. I am afraid, this latter rule can be promulgated by the Supreme Government only.

(4) The courts might be allowed leave to give full and liberal effect to the provisions of Sections 16 and 17 of the Contract Act and Section 111 of the Evidence Act. This in fact is the procedure recommended by the North-West Provinces High Court with regard to usury and is laid down in the Circular Orders, Panjab Chief Court, XXIII., pages 38 to 43 (cited in Knox Contract Act). As its liberal exercise may raise some outcry in the beginning, just as my rough handling of their account books has frightened away, I am told, many a suitor from my court, I have thought here better to bring it to your notice so as to be possessed of your view and sanction of it, if it should please you to give them.

8. Turning now to the working of my court I have again this year to report about the extreme laxity in attendance shown by witnesses summoned to attend before me. During the hot months they have plenty of business; during the rains the roads are bad, and after the rains they or their relatives are laid up with fever. It is such a trouble to prosecute them successfully in another court, and they can set up false defences there so easily, that I have almost given up the idea. A few months ago I used to receive about 6 letters daily from witnesses asking to be excused. In the court-house too there is no proper arrangement for keeping the witnesses under surveillance, and they are often found gone out when called upon. The large number of parties residing out of jurisdiction is a very great nuisance too, and a petty deal of correspondence has to be kept up with the various political agencies, &c.

9. To add to the vexation the manner in which cases are brought up and conducted is very unsatisfactory. Accuracy of statement is a thing unknown to the generality of suitors and Mukhtyárs, and proper procedure is thought a needless formality. The evidence upon the plainest points is often very defective, and they think it their legal right to apply three or four times in succession for new witnesses. The Mukhtyárs too rarely afford the help one would reasonably expect of them ; and in order to arrive at satisfactory conclusions the court has to enter into all the bothersome details of private parties and then examine the witnesses for itself on those points. The majority of witnesses too lack in a great measure, the power of answering shortly to the purpose and are in almost all important cases intentionally troublesome, and dishonest.

I do not think the present a fit place for looking into this and other matters of procedure, but I submit that without making any very great changes in the present order of things, the Notification of 1879 under the Scheduled Districts Act, 1874, can be much enlarged and improved."

(True Extract)

J. K. SPENCE,

Acting Agent, Governor, Panch Maháls.

JUDICIAL STATEMENT 1—(Civil and Criminal.)

Statement showing the number of Judicial Divisions, and the number of Officers exercising Appellate or Original Jurisdiction in the Presidency of Bombay on the last day of the year 1882, with the cost of Tribunals.

Name of Presidency.			Area.	Population.	Number of Divisions for Courts under Chief Court, but superior to Chief Courts of Districts.	Number of Districts.	Number of Sub-districts.	Total number of Officers exercising Original or Appellate Jurisdiction. Judges of Chief Court of Province.	Judges of other Courts superior to Courts of Districts.	Judges of Chief Courts of Districts.	Judges of District Courts other than Chief Courts.	Judges of other Subordinate Courts.	Total number of Cases decided. Original. Regular.	Original. Miscellaneous.	Appeals. Regular.	Appeals. Miscellaneous.	Total Receipts of the Courts.	Total Charges of the Courts.	Remarks.
1			2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
																	Rs.	Rs.	
Presidency of Bombay.	Territory subject to the High Court.	Civil ...	74,902	13,691,181	...	11	103	7(a)	...	11(b)	8	112(c)	123,934	14,378	3,788	158	19,26,941	36,15,284	(a) Includes the Chief Justice. (b) The District Judge of Poona is also Agent for Sardars in the Deccan. (c) Includes 3 Small Cause Court Judges, 2 Registrars and 6 unpaid Officers. Besides these there are also 2 Cantonment Magistrates who exercise Civil Powers. (d) These are District Magistrates exclusive of Sessions and Assistant Sessions Judges. (e) These include all classes of Magistrates except District Magistrates. (f) Is the Judge of the Sadar Court in Sind. (g) Includes one Small Cause Court Judge. Besides these there were also 14 other Officers in Sind who exercised Civil Powers.
		Criminal ...			...	17	159	...	...	17(d)	...	459(e)	50,174	...	2,886	...			
		Revenue ...			...	...	...	...	...	...	...	...	...	...	...	...			
	Territory not subject to the High Court.	Civil ...	50,537	2,669,302	...	5	14	1(f)	...	5	...	15(g)	23,695	957	257	23	3,02,780	5,72,028	
		Criminal ...			...	6*	26	...	...	6(d)	..	138(e)	13,882	...	728	...			
		Revenue ...			...	...	...	...	...	...	...	...	...	...	...	...			
	Total* ...		...	...	...	...	...	...	...	...	...	...	211,685	15,335	7,659	181	22,29,721	41,87,312	

* The entries to be made here will show the area and population of the entire Presidency, the average number of Districts and Sub-districts for Civil, Criminal and Revenue purposes, the actual number of persons exercising jurisdiction, and the total work done by them, with the financial results.

Statement showing the number of Judicial Officers exercising Original and Appellate Jurisdiction both European and Native in the Presidency of Bombay including Sind and Panch Mahâls.

Designation.	European.	Natives.	Remarks.
Chief Justice and High Court Judges ...	7	...	During a part of the year a Native gentleman acted as Judge of the High Court.
Sadar Court Judge in Sind	1	...	
District Judges	15	1	
Joint Judges	4	...	
Assistant Judges	3	1	
Small Cause Court Judges	1	3	
Subordinate Judges, First Class	2(a)	12	(a) One is an East Indian.
Subordinate Judges, Second Class	...	101(b)	(b) Includes the Subordinate Judges in Sind.
Magistrate, First Class	86(c)	50	(c) Three of these are Eurasians.
Magistrate, Second Class	6(d)	238	(d) One is an Eurasian.
Magistrate, Third Class	4	235	

Her Majesty's High Court of Judicature, Appellate Side, Bombay, 14th September 1883.

E. M. H. FULTON,
Registrar.

JUDICIAL STATEMENT 2.—(Criminal).

Statement of Offences reported and of Persons tried, convicted and acquitted of each Class of Offence in the Presidency of Bombay in the year 1882.

Description of Offence.	Number of Offences reported.*	Number of Cases returned as true.	Number of Cases brought to trial during the year.	Number of Persons. Under trial during the year including pending from previous years.*	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another Province.†	Remaining under trial.
1	2	3	4	5	6	7	8	9
Offences against the State, Chapter VI. of the Indian Penal Code...	...	...	...	.....	...	...	...	...
Offences relating to the Army and Navy... ... Chap. VII.	...	...	...	.....	...	...	...	...
Offences against the Public Tranquillity ... ... „ VIII.	384	272	254	2,266	1,156	992	2	116
Offences by or relating to public servants ... „ IX.	158	119	119	167	98	68	...	1
Contempts of the lawful authority of public servants ... ... „ X.	882	840	817	1,249	521	709	...	19
False evidence and offences against public justice. „ XI.	776	714	686	937	414	485	1	37
Offences relating to Coin and Government Stamps ... ... „ XII.	137	92	87	121	61	58	...	2
Offences relating to weights and measures ... „ XIII.	131	126	125	131	39	90	...	2
Offences affecting the public health, safety, convenience, decency and morals ... ... „ XIV.	1,103	1,013	973	1,279	216	1,057	...	6
Offences relating to religion ... ... „ XV.	33	23	22	34	8	24	...	2
Offences affecting the human body, Chap. XVI. — Offences affecting life	652	501	477	871	390	387	4	90
Causing of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births... ...	203	132	112	164	76	77	1	10
Hurt...	23,229	15,578	14,683	33,195	23,135	9,646	4	410
Wrongful restraint and wrongful confinement	672	364	283	577	404	158	...	15
Criminal force and assault	5,129	3,670	3,486	7,295	5,899	1,327	...	69
Kidnapping, forcible abduction, slavery and forced labour	187	83	78	156	86	63	...	7
Rape...	188	91	80	113	70	38	...	5
Unnatural offence	39	19	18	28	21	6	...	1
Offences against Property, Chap. XVII. — Theft	19,420	11,382	8,973	14,072	5,365	8,432	21	254
Extortion	168	123	109	192	126	61	...	5
Robbery and dacoity	577	290	255	832	475	284	2	71
Criminal misappropriation of property..	746	604	564	930	535	371	2	22
Criminal breach of trust	1,612	670	607	753	505	219	2	27
Receiving of stolen property	1,251	1,047	985	1,929	949	927	1	58
Cheating	574	346	332	470	341	115	1	13
Fraudulent deeds and disposition of property...	53	25	22	38	20	15	...	3
Mischief	3,901	2,651	2,504	5,714	4,590	1,068	1	55
Criminal trespass	4,822	3,345	2,442	4,509	2,801	1,637	3	68
Offences relating to documents and to trade or property marks ... ...Chap. XVIII.	111	76	78	127	91	27	2	7
Criminal breach of contracts of service ... ... „ XIX.	81	26	25	37	30	5	...	2
Offences relating to marriage ... ... „ XX.	1,066	588	566	1,116	872	137	1	106
Defamation ... ... „ XXI.	168	113	105	286	198	65	...	23
Criminal intimidation, insult and annoyance ... „ XXII.	3,458	2,882	2,757	5,590	4,342	1,203	1	44
Offences under Special and Local Laws—								
Abkári Act V. of 1878, Bombay	2,226	2,052	2,016	2,548	505	2,007	2	34
Arms Act XI. of 1878, India	294	270	263	300	55	241	...	4
Army Act of 1881	52	45	45	45	3	42	...	...
Attempts to commit offences under Chapter XXIII. of the Indian Penal Code	2	2	2	3	1	2	...	...
Breaches of Contract, Act XIII. of 1859, India	105	103	103	118	104	14	...	..
Boundary Marks, Act III. of 1846, India	23	23	23	24	2	22	...	...
Cantonment Act III. of 1867, Bombay	1,694	1,689	1,664	1,813	169	1,643	...	1
Cantonment Act III. of 1880, India	17	17	17	17	...	17	...	..
Cattle Trespass Act I. of 1871, India	1,122	853	825	2,174	1,661	501	...	12
Code of Civil Procedure, Act X. of 1877, India	42	41	40	46	16	30	...	...
Code of Criminal Procedure, Act X. of 1872, India ...	13	13	13	16	2	11	...	3
Coasting Vessels, Bombay, Act XIX. of 1838, India ...	68	68	68	77	22	55	...	...
Deccan Agriculturists' Relief Act XVII. of 1879, India ...	19	17	15	19	12	5	...	2
District Police Act VII. of 1867, Bombay	3,951	3,887	3,701	4,244	458	3,776	2	8
Forest Act VII. of 1878, India	915	882	876	1,765	445	1,317	...	3
Gambling Act III. of 1866, Bombay	76	74	71	430	125	278	...	27
Irrigation Act VII. of 1879, Bombay	69	68	63	113	51	54	...	8
Carried forward ...	82,599	57,909	52,429	98,930	57,465	39,760	53	1,652

JUDICIAL STATEMENT 2.—(CRIMINAL)—*continued.*

Description of Offences.	Number of offences reported.	Number of Cases returned as true.	Number of Cases brought to trial during the year.	Number of Persons: Under trial during the year including pending from previous years.*	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another Province.†	Remaining under trial.
1	2	3	4	5	6	7	8	9
Brought forward ...	82,599	57,909	52,429	98,930	57,465	39,760	53	1,652
Offences under Special and Local Laws—*continued.*								
Jails Act II. of 1874, Bombay	6	6	6	6	2	4	...	...
Land Revenue Code, Act V. of 1879, Bombay	179	172	173	232	71	160	...	1
Municipal Act VI. of 1873, Bombay...	7,114	6,931	6,893	7,432	761	6,611	2	58
Merchants' Shipping Act VII. of 1880, India	6	6	6	10	1	9	...	...
Mails Carts' Act XVI. of 1816	2	2	2	2	2	...	...	...
Mutiny Act XXV of 1857	2	2	2	2	...	2	...	...
Native Passengers' Ship Act VIII. of 1876, India... ...	12	11	11	12	...	11	...	1
Opium Act I. of 1878, India	354	330	328	427	120	300	...	7
Public Conveyance Act VI. of 1863, Bombay	213	214	209	233	39	194	...	...
Public Ferries Act II. of 1868, Bombay	42	39	38	66	35	31	...	...
Post Office Act XIV. of 1866, India	19	16	16	18	6	12	...	...
Ports Act XII. of 1875, India	126	126	125	158	3	154	...	1
Parsi Marriage Act XV. of 1865, India	1	1	1	2	...	2	...	...
Railway Act IV. of 1879, India	182	177	174	249	30	214	...	5
Registration Act III. of 1877, India	5	5	5	7	1	6	...	...
Registration of Boats Act I. of 1863, Bombay	15	15	14	15	3	12	...	...
Sale of Poisons, Act VIII. of 1866, Bombay	17	17	17	18	5	13	...	...
Stamp Act I. of 1879, India	115	115	114	172	32	138	...	2
Salt Act VII. of 1873, Bombay	581	562	557	751	131	608	2	10
Transport of Salt by Sea, Act XVI. of 1879, India ...	8	8	8	8	...	8	...	...
Treasure Trove Act VI. of 1878, India	11	10	11	35	16	19	...	...
Telegraph Act I. of 1876, India	1	1	1	3	1	2	...	...
Village Police Act VIII. of 1867, Bombay	2,170	2,180	2,173	2,917	962	1,951	...	4
Vaccination (Karáchi) Act IV. of 1879, Bombay	18	18	18	18	2	16	...	...
Total ...	93,798	68,873	63,331	111,723	59,688	50,237	57	1,741

* That is the total of Columns 5 to 9.
† Persons transferred from one Court to another in the same Province are not to be entered in this Column.

E. M. H. FULTON,
Registrar.

Her Majesty's High Court of Judicature, Appellate Side, Bombay, 14th September 1883.

JUDICIAL STATEMENT 3—(CRIMINAL.)

Statement of Miscellaneous Proceedings under the Criminal Procedure Code in the Presidency of Bombay during 1882.

Nature of Proceedings	Total number of Cases before the Courts during the year.	Number of Persons concerned.	Number of Persons discharged.	Number of Persons convicted or bound by an order to give security.	REMARKS
1	2	3	4	5	6
1. Frivolous or vexatious complaints summarily dealt with under Chapter XVI., Section 209.	107	154	63	91	
2. Proceedings against witnesses under Chapter XXVI	33	39	3	36	
3. Forfeiture of bail or recognizance under Chapter XXVIII.	174	227	26	201	
4 Non-attendance of Jurors or Assessors, Chapter XXIX., Section 414	16	17	10	7	
5. Contempts of Court under Chapter XXXII. .	39	41	6	35	
6. Proceedings under Chapter XXXVII. to prevent breach of the peace	98	210	23	187	
7. Security for good behaviour under Chapter XXXVIII.	424	610	190	419	1 pending.
8. Proceedings against local nuisances, Chapter XXXIX.	48	124	34	87	3 do.
9. Possession, Chapter XL.	16	27	13	11	3 do.
10. Maintenance, Chapter XLI.	409	447	332	115	
Total ...	1,364	1,896	700	1,189	7 do.

Her Majesty's High Court of Judicature, Appellate Side, Bombay, 14th September 1883.

E. M. H. FULTON,
Registrar.

JUDICIAL STATEMENT 4—(CRIMINAL.)

Statement showing the general result of Criminal trials in the Tribunals of various Classes in the Presidency of Bombay in the year 1882.

Class of Courts.	Total number of persons under trial.‡	Persons whose cases were disposed of.					Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.‖	Average number of days during which each case lasted.	Number of witnesses examined.	Remarks.
		Died, escaped, or transferred to another Province.	Discharged or acquitted.	Convicted. On regular trial.	Convicted. On summary trial.	Committed or referred.					
1	2	3	4	5	6	7	8	9	10	11	12
Village Officers	3,000	...	978	1,366	652	...	4	2,219	1·13	4,194	The figures in column 2 do not include the figures in column 7 to prevent their being shown twice over.
Subordinate Magistrates—											
Special Magistrates under Section 42 ...	157	...	69	38	47	...	3	82	2·99	319	
Honorary Magistrates sitting singly ...	3,189	...	592	2,474	31	2	92	2,696	1·31	4,120	
Stipendiary Magistrates sitting singly ...	101,810	45	56,801	36,942	6,541	2,023	1,481	56,975	5·29	217,754	
Benches of Magistrates	...	...	...	...	...	...	...	...	...	...	
District and Divisional Magistrates—Cases referred under Section 46, Criminal Procedure Code	1,363	6	346	983	...	7	28	873	33·15	6,059	
Chief Magistrates of Districts	492	2	192	151	138	51	9	340	9·17	1,202	
Courts of Sessions*	1,570	4	694	769	...	75	103	784	17·70	6,889	
Superior Courts†	142	...	16	105	...	...	21	87	16·09	266	
Total ...	111,723	57	59,688	42,828	7,409	2,158	1,741	64,056	5·54	240,803	

* Include cases decided by Sessions Judges on reference under Sections 18 and 36, Criminal Procedure Code. † Include cases decided by the High Court on reference under Sections 263 and 287, Criminal Procedure Code.
‡ That is the total of the entries in columns 3 to 8. The cases of persons transferred from one Court to another in the same Province will appear only against the Court by which decided, or in which pending at the end of the year, if not decided.

‖ Omit cases in which the accused died, escaped or was transferred.

Her Majesty's High Court of Judicature, Appellate Side,
Bombay, 14th September 1883.

E. M. H. FULTON,
Registrar.

JUDICIAL STATEMENT 5.—(CRIMINAL.)

Statement showing the punishment inflicted by the various Criminal Tribunals in the Presidency of Bombay in the year 1882.

CLASS OF TRIBUNALS.	Persons Sentenced to: Death.	Transportation.	Penal Servitude.	Imprisonment: Rigorous.	Imprisonment: Simple.	Forfeiture of property.	Fine.	Whipping.	Persons ordered to find or give security or recognizance to keep the peace or sureties for good behaviour.	Persons imprisoned in default of security for good behaviour.	Detail of Punishment. Fine: Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year.‡	Amount paid by way of compensation.	Imprisonment: 15 days and under.	6 months and under.	2 years and under.	7 years and under.	Above 7 years.	Number of boys whose sentences were commuted to detention in a Reformatory School.	REMARKS.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
											Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.							
Village Officers	..	..	..	..	471	..	1,547	..	..	..	1,547	..	..	..	..	...	1,073	1,066	..	471	..	..	..	..	..	
Subordinate Magistrates— Special Magistrates under Section 42	..	..	..	17	..	..	72	..	1	..	61	11	..	..	..	..	368	341	1	2	15	..	..	..	..	
Honorary Magistrates sitting singly	...	..	..	55	1	..	2,465	..	..	..	2,432	30	2	1	...	..	4,192	3,721	41	13	38	5	..	..	..	
Stipendiary Magistrates sitting singly	..	..	..	10,844	821	..	34,339	770	537	197	28,671	5,137	357	169	5	...	3,04,919	2,60,098	18,106	3,281	7,594	921	5	..	6	Columns 5 and 6 do not include 136 persons shown in Column 11.
Benches of Magistrates	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
District and Divisional Magistrates—Cases referred under Section 46, Criminal Procedure Code	..	..	..	974	8	..	262	64	28	4	12	137	84	29	..	..	20,077	7,001	712	4	150	827	5	..	6	Do. 4 persons shown in Colum 11.
Chief Magistrates of Districts	..	..	..	83	6	..	230	4	7	2	175	24	11	20	..	..	7,977	6,658	300	14	43	22	10	..	1	
Courts of Sessions*	..	130	..	566	17	..	104	6	..	..	6	19	51	25	1	2	21,253	8,217	1,400	6	88	153	315	21	4	
Superior Courts†	60	17	1	16	9	...	2	..	..	..	..	..	..	..	2	..	2,000	..	..	—	10	4	11	..	..	
Total	60	147	1	12,555	1,333	..	39,021	844	573	203	32,904	5,358	505	244	8	2	3,61,859	2,87,102	20,560	3,791	7,938	1,932	346	21	17	Do. 140 persons shown in Column 11.

* Includes cases decided by Sessions Judges on reference under Sections 18 and 36, Criminal Procedure Code.
† Includes cases decided by the High Court on reference under Sections 263 and 287, Criminal Procedure Code.
‡ Includes fines realized during the year, though imposed in previous years.

E. M. H. FULTON,
Registrar.

Her Majesty's High Court of Judicature, Appellate Side,
Bombay, 14th September 1883.

OFFICIAL STATEMENT 5A—(CRIMINAL).

Showing the Particulars of Whippings inflicted by the Criminal Tribunals, in the Presidency of Bombay during the year 1882.

PART I.

Showing whippings inflicted under Sections 2 and 3, Act VI., 1864, in lieu of other punishments.

Offences for which awarded.		Number of stripes awarded.														Total.	Remarks.
		5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.		Over 30.			
		First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.		
1		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
IN LIEU OF OTHER PUNISHMENTS. (SECTIONS 2 AND 3, ACT VI., 1864).																	
1. Theft, as defined in ...	Section 378, I.P.C...	36	...	91	4	141	8	51	3	37	8	28	4	12	1	424	
	Section 380 „ ...	8	...	29	1	55	6	28	2	14	...	12	4	7*	1	167	*Two of these were simultaneously convicted of house-breaking by night, as defined in section 446 I. P. Code.
	Section 381 „ ...	...	...	2	...	7	...	2	1	6	...	1	...	...	...	19	
	Section 382 „ ...	...	...	1	...	...	...	...	...	...	1	...	...	1	2	5	
2. Extortion, as defined in	Section 388 „ ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Section 389 „ ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
3. Dishonestly receiving stolen property, as defined in	Section 411 „ ...	1	...	16	...	6	...	6	...	1	...	3	...	5	...	38	
	Section 412 „ ...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	1	
4. Lurking house-trespass, as defined in	Section 443 „ ...	...	...	...	...	1	...	1	...	...	...	...	...	...	...	2	
5. Lurking house-trespass by night, as defined in	Section 444 „ ...	...	...	...	...	3	...	1	...	...	...	...	...	...	...	4	
6. House-breaking as defined in	Section 445 „ ...	...	...	2	...	2	...	2	1	...	...	4	...	2	...	13	
7. House-breaking by night, as defined in	Section 446 „ ...	...	...	1	...	6	...	3	...	1	...	5	2	...	...	18	
8. Offences under Section 14, Act III, 1880 ...		...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
9. Offences under the Special Acts		4	...	2	...	4	...	...	...	...	...	...	...	...	...	10	
															Total ...	701	

NOTE—Include Juveniles punished under any of these heads.

Her Majesty's High Court of Judicature, Appellate Side, Bombay, 14th September 1883.

E. M. H. FULTON,
Registrar.

JUDICIAL STATEMENT 5 A—(CRIMINAL).

PART II.

Showing whippings inflicted in addition to other punishments. Sections 3 and 4, Act VI, 1864.

Offences for which awarded.	Number of Stripes.							Total.	Remarks
	5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.	Over 30.		
1	2	3	4	5	6	7	8	9	10
IN ADDITION TO OTHER PUNISHMENT.									
(SECTIONS 3 AND 4.)									
A. Section 3.									
1. Theft as defined in Section 378, Indian Penal Code...	...	...	7	3	5	18	34	67	
1. Theft as defined in Section 380, " ...	...	...	1	4	5	6	14	30	
1. Theft as defined in Section 381, " ...	...	...	...	...	...	...	...	...	
1. Theft as defined in Section 382, " ...	...	...	...	...	...	...	...	...	
2. Extortion as defined in Section 388, " ...	...	...	...	...	...	...	...	...	
2. Extortion as defined in Section 389, " ...	...	...	...	...	...	...	...	...	
3. Dishonestly receiving stolen property, as defined in Section 411, " ...	...	...	...	...	...	1	...	1	
3. Dishonestly receiving stolen property, as defined in Section 412, " ...	...	...	...	...	...	...	...	...	
4. Lurking house-trespass, as defined in Section 443, ... " ...	...	...	...	...	...	...	...	...	
5. Lurking house-trespass by night, as defined in Section 444, ... " ...	...	...	...	...	...	...	...	...	
6. House-breaking, as defined in Section 445 ... ... " ...	...	...	...	...	...	1	...	1	
7. House-breaking by night, as defined in Section 446. " ...	...	...	...	...	...	...	...	...	
8. Offence under Section 14, Act III of 1880 ...	...	...	...	...	...	...	...	...	
B. Section 4.									
1. False evidence, as defined in Section 193, Indian Penal Code ...	...	...	...	...	...	...	...	...	
1. False evidence, as defined in Section 194, " ...	...	...	...	...	...	...	...	...	
1. False evidence, as defined in Section 195, " ...	...	...	...	...	...	...	...	...	
2. False charge of unnatural offence, as defined in Sections 211 and 377... ... " ...	...	...	...	...	...	...	...	...	
3. Assault, as defined in Section 354 ... ... " ...	...	...	...	...	...	...	...	...	
4. Rape, as defined in Section 375... ... ... " ...	...	...	...	...	...	...	...	...	
5. Unnatural offence, as defined in Section 377 ... " ...	...	...	...	...	...	...	...	...	
6. Robbery, as defined in Section 390... ... ... " ...	...	...	...	...	...	...	...	...	
7. Dacoity, as defined in Section 391... ... ... " ...	...	...	...	...	...	...	...	...	
8. Attempt at robbery, as defined in Section 393 ... " ...	...	...	...	...	...	...	...	...	
9. Hurt in committing robbery, as defined in Section 394 ... ... " ...	...	...	...	...	...	...	...	...	
10. Receiving stolen property, as defined in Section 413. " ...	...	...	...	...	...	...	...	...	
11. Forgery, as defined in Section 463, " ...	...	...	...	...	...	...	...	...	
11. Forgery, as defined in Section 466, " ...	...	...	...	1	...	1	2	4	
11. Forgery, as defined in Section 467, " ...	...	...	...	...	...	...	...	...	
11. Forgery, as defined in Section 468, " ...	...	...	...	...	...	...	...	...	
11. Forgery, as defined in Section 469, " ...	...	...	...	...	...	...	...	...	
12. Lurking house-trespass, as defined in Section 443 ... " ...	...	...	...	...	...	...	...	...	
13. Lurking house-trespass by night, as defined in Section 444 ... ... " ...	...	...	...	...	...	...	...	...	
14. House-breaking, as defined in Section 445 ... ... " ...	...	...	...	...	...	...	...	...	
15. House-breaking by night, as defined in Section 446 ... " ...	...	...	...	...	...	...	...	...	
							Total ...	103	

NOTE.—Include Juveniles punished under any of these heads.

E. M. H. FULTON,
Registrar.

Her Majesty's High Court of Judicature, Appellate Side,
Bombay, 14th September 1883.

JUDICIAL STATEMENT 5A—(CRIMINAL).

PART III.

Showing whippings inflicted under Section 5, Act VI, 1864, on Juveniles, or offences other than those specified in Parts I and II.

Offence.	Stripes. 5 and under. First conviction.	5 and under. Subsequent conviction.	6 to 10. First conviction.	6 to 10. Subsequent conviction.	11 to 15. First conviction.	11 to 15. Subsequent conviction.	16 to 20. First conviction.	16 to 20. Subsequent conviction.	21 to 25. First conviction.	21 to 25. Subsequent conviction.	26 to 30. First conviction.	26 to 30. Subsequent conviction.	Over 30. First conviction.	Over 30. Subsequent conviction.	Total.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Giving false information to a public servant ... ... Section 182 I. P. C.... ...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	1	
Voluntarily causing hurt ... ... Section 323 Do.	1	...	2	...	1	...	1	..	...	...	...	...	...	...	5	
Voluntarily causing hurt by dangerous weapons ... Section 324 Do.	...	...	2	...	...	...	...	...	1	...	...	...	...	..	3	
Voluntarily causing grievous hurt by dangerous weapons Section 326 Do.	...	...	...	...	...	...	...	...	1	...	...	...	...	...	1	
Theft ... ... Section 378 Do.	...	...	1	...	...	...	...	...	...	...	...	...	...	...	1	
Theft ... . Section 379 Do.	...	...	...	...	1	...	1	...	...	...	...	...	...	...	2	
House-breaking by night in order to commit theft ... Sections 380 & 457 Do.	...	...	...	7	4	...	..	...	...	...	1	...	...	...	12	
Dishonest misappropriation of property ... ... Section 403 Do.	...	...	3	...	...	...	...	...	...	...	...	...	...	..	3	
Dishonestly receiving stolen property ... ... Section 411 Do.	...	...	...	2	...	...	...	...	...	...	...	...	...	...	2	
Assisting in the concealment of stolen property ... Section 414 Do.	...	...	1	...	...	...	...	...	...	...	...	...	...	...	1	
Committing mischief ... ... Section 426 Do.	...	...	1	...	1	...	...	...	...	...	...	...	...	...	2	
Mischief ... ... Section 428 Do.	...	...	...	...	...	...	...	...	...	...	1	...	...	...	1	
Mischief ... ... Sections 429 & 511 Do.	...	...	...	...	...	...	...	...	...	...	2	...	...	...	2	
Criminal trespass ... ... Section 447 Do.	...	...	1	...	...	...	1	...	...	...	...	...	...	...	2	
Obtructing line or throwing stones at train ... ... Section 44 Act IV of 1879 ...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	2	
														Total ...	40	

Her Majesty's High Court of Judicature, Appellate Side, Bombay, 14th September 1883.

E. M. H. FULTON,
Registrar.

JUDICIAL STATEMENT 5A.—(CRIMINAL).

PART IV.

Showing relative number of times whipping was awarded as compared with other punishments.

Punishment.	Number.	Remarks.
1	2	3
1. Total number of whippings awarded*	844	
2. Total number of other punishments†	20,437	
Percentage of whippings ...	4 to 96	

* Total of column 16, Parts I and III, and of column 9, Part II.
† Not counting punishments of which whipping was a part, but including all cases in which whipping might have been inflicted.

Her Majesty's High Court of Judicature, Appellate Side, Bombay, 14th September 1883.

E. M. H. FULTON,
Registrar.

JUDICIAL STATEMENT 6—(CRIMINAL.)

Statement showing the result of Appeal and Revision in Criminal Cases in the Presidency of Bombay in the year 1882.

TRIBUNALS.	NUMBER OF PERSONS.											Average number of days during which each appeal lasted.	REMARKS.
	Total number of appellants and applicants for revision before the Courts.†	Died, escaped, transferred to another Province.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence enhanced.	Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to the High Court.	Pending trial.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Appeals.													
To Chief Magistrates of Districts* ...	2,324	...	181	1,093	70	364	563	8	9	...	36	5·29	
„ Courts of Sessions	936	3	273	371	11	66	172	...	2	...	38	13·72	
„ Superior Courts. By persons convicted ..	471	1	143	164	3	72	33	...	...	...	55	25·4	
„ Superior Courts. By Government from judgments of acquittal.	12	...	9	1	...	...	...	...	2	...	...	35·4	
Total ...	3,743	4	606	1,629	84	502	768	8	13	...	129	19·95	
Revision.													
By Chief Magistrates of Districts ...	472	...	21	394	1	1	2	...	4	19	30	20·93	
„ Courts of Sessions	246	...	60	155	...	1	3	2	3	18	4	19·12	
„ Superior Courts	1,284	...	105	503	44	125	253	27	69	...	158	22·55	
Total ...	2,002	...	186	1,052	45	127	258	29	76	37	192	20·86	
GRAND TOTAL ...	5,745	4	792	2,681	129	629	1,026	37	89	37	321	20·40	

* Or other Magistrates authorized to hear appeals under Section 266, Criminal Procedure Code.

† That is the total of columns 3 to 12. Cases transferred from one Court to another in the same Province will appear only against the Court by which decided, or in which pending at the end of the year, if not decided.

Her Majesty's High Court of Judicature, Appellate Side,
Bombay, 14th September 1883.

E. M. H. FULTON,
Registrar.

JUDICIAL STATEMENT 7—(CIVIL).

Statement showing the number and description of Civil Suits instituted in the Civil Courts in the Presidency of Bombay in the year 1882.

Class of Tribunals.	Suits for money or moveable property.										Title and other suits.																							Grand Total.	Remarks.
	Contract in writing.	Contract not in writing.	On account stated.	Money had and received.	Goods sold.	Wages, work and materials.	Breach of contract not mentioned above.	Rent of houses and property other than land.	Moveable property or value thereof.	Damages.	Arrears of rent with or without ejectment or cancelment of lease.	Enhancement or abatement of rent.	Relating to distraint.	Damages for extortion or withholding receipts or on account of illegal restraint or other cause.	For Pottahs or Kabuláyats.	For recovery of possession or removal of obstruction under Bombay Act III of 1870.	Suits for immoveable property.	Suits for declaratory decrees.	Other suits under the Specific Relief Act.	Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights.	Suits for an account.	Suits relating to religious endowments.	Suits to set aside judgments, contracts or obligations on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights.	Suits for partition.	Suits relating to shipping.	Suits relating to religion and caste.	Administration suits.	Inter-pleader suits.	Dissolution of partnership.	Suits under Section 261, Act X of 1865, (also Hindu Wills' Act).	Other suits not falling under any of the previous heads.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37
Courts in the Interior.																																				
I.—Civil Courts.																																				
Unpaid Tribunals	440	26	107	6	2	2	..	1	..	1	1	..	..	..	5	..	41	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	633	
Village Courts	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	(a) 1,929	(a) No detail given as these were suits instituted under the Deccan Agriculturists' Relief Act in the Districts of Poona, Sholápur, Ahmednagar and Sátára.
Paid Sub-Divisional Tribunals ..	71,272	5,387	18,335	1,190	2,644	269	209	1,227	1,144	466	3,181	13	1	37	761	8,682	9,092	310	144	2,314	131	176	4	18	6	123	325	1	8	4	..	2	..	641	1,26,117	
Small Cause Courts	6,797	922	2,451	582	2,396	172	36	527	56	95	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	6	14,539	
District Courts other than Chief Courts of Districts .. .. / Chief Courts of Districts	62	4	7	4	4	2	3	4	6	12	..	2	..	4	..	..	23	11	..	4	10	12	1	3	1	12	3	..	..	33	..	10	..	18	255	
Total ..	78,571	6,339	18,900	1,782	5,546	445	248	1,759	1,205	574	3,182	15	1	41	766	8,682	9,156	321	144	2,318	141	188	5	21	7	135	328	1	8	37	..	12	..	666	1,43,473 (b)	(b) The total of columns 2 to 35 does not agree with column 36, the difference being 1,929, details of which have not been given as stated above.
II.—Revenue Courts.																																				
Unpaid Local Tribunals	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	The figures for Revenue Courts have been omitted from this year's Report.
Other Subordinate Courts ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
District Courts	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Total ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Courts at the Presidency or Seat of Government.																																				
Presidency Small Cause Court ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Superior Courts	110	9	56	58	30	9	5	3	11	13	..	..	..	..	..	..	29	15	10	20	4	30	4	6	2	3	8	3	2	16	1	6	11	19	493	
Total ..	110	9	56	58	30	9	5	3	11	13	..	..	..	..	..	..	29	15	10	20	4	30	4	6	2	3	8	3	2	16	1	6	11	19	493	
Grand Total ..	78,681	6,348	18,956	1,840	5,576	454	253	1,762	1,216	587	3,182	15	1	41	766	8,682	9,185	336	154	2,338	145	218	9	27	9	138	336	4	10	53	1	18	11	685	1,43,966	

Her Majesty's High Court of Judicature, Appellate Side, Bombay, 14th September 1883.

E. M. H. FULTON,
Registrar.

B 734—15

JUDICIAL STATEMENT 8—(CIVIL.)

Statement showing number and value of Suits instituted in the Civil and Revenue Courts in the Presidency of Bombay in the year 1882.

Value of Suits.	Number of Suits instituted in the different Courts.									Total Value of suits.	Remarks.
	Not exceeding Rs. 10.	Not exceeding Rs. 50.	Not exceeding Rs. 100.	Not exceeding Rs. 500.	Not exceeding Rs. 1,000.	Not exceeding Rs. 5,000.	Not exceeding Rs. 10,000.	Exceeding Rs. 10,000.	Number of Suits the value of which cannot be estimated in money.		
1	2	3	4	5	6	7	8	9	10	11	12
Courts in the Interior.										Rs.	
I.—Civil Courts.											
Unpaid Tribunals	67	355	133	76	2	...	...	...	...	36,395	
Village Courts	1,929	...	...	...	...	...	...	...	...	.....	
Paid Sub-Divisional Tribunals ...	13,671	56,822	23,930	19,577	1,823	840	63	38	9,353	1,19,85,720	
Small Cause Courts	3,107	6,980	2,298	2,154	...	...	...	...	...	8,31,594	
District Courts other than Chief Courts of Districts ... ... / Chief Courts of Districts	7	35	28	52	28	42	11	9	43	8,91,580	
Total ..	18,781	64,192	26,389	21,859	1,853	882	74	47	9,396	1,37,45,289	
II.—Revenue Courts.											
Unpaid Local Tribunals	...	...	...	...	...	...	...	...	...	.....	The figures for Revenue Courts have been omitted from this year's Report.
Other Subordinate Courts ...	...	...	...	...	...	...	...	...	...	.....	
Collectors' Courts	...	...	...	...	...	...	...	...	...	.....	
Total ...	...	...	...	...	...	...	...	...	...	.....	
Courts at the Presidency or Seat of Government.											
Presidency Small Cause Court ...	...	...	...	...	...	...	...	...	...	.....	
Superior Courts	...	...	...	4	13	224	56	68	129	76,64,173	This includes 1 suit of Admiralty, the value of which is Rs. 37,000, not shown in Statement 7.
Total ...	...	...	...	4	13	224	56	68	129	76,64,173	
Grand Total ...	18,781	64,192	26,389	21,863.	1,866	1,106	130	115	9,525	2,14,09,462	

Her Majesty's High Court of Judicature, Appellate Side, Bombay, 14th September 1883.

E. M. H. FULTON,
Registrar.

JUDICIAL STATEMENT 9—(CIVIL).

Statement showing the general result of the trial of Civil and Revenue Cases in the Courts of Original Jurisdiction in the Presidency of Bombay in the year 1882.

PART I.—CIVIL SUITS.

Class of Courts.	Total Number of Suits before the Courts.*	Number of Suits disposed of.										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	Average duration of suits.		Remarks.
		Transferred to Courts in other Provinces.	Without trial.	Without Contest.				On reference to Arbitration.		With Contest.						
				Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	For Plaintiff.	For Defendant.	Judgment for Plaintiff in whole or in part.	Judgment for Defendant.			Contested.	Uncontested.	
1	2	3	4.	5	6	7	8	9	10	11	12	13	14	15	16	17
Courts in the Interior.																
I.—Civil Courts.																
Unpaid Tribunals	1,027	...	6	130	70	411	16	...	...	100	38	256	102	586·86	119·04	No details in columns 3 to 12 given of 1,971 suits disposed of by Village Officers under the Deccan Agriculturists' Relief Act.
Village Courts	2,178	...	...	...	...	...	...	...	...	...	...	207	...	...	...	
Paid Sub-Divisional Tribunals ...	153,071	...	13,435	23,715	11,522	43,444	2,732	1,016	110	26,459	6,246	24,392	9,969	209·51	98·03	
Small Cause Courts	16,826	...	1,626	3,208	2,289	5,229	246	26	6	1,960	380	1,856	418	77·83	43·27	
District Courts other than Chief Courts of Districts ... ... / Chief Courts of Districts	462	...	30	62	17	30	4	17	1	75	42	184	106	383·73	183·18	
Total ...	173,564	...	15,097	27,115	13,898	49,114	2,998	1,059	117	28,594	6,706	26,895	10,595	203·30	91·76	
II.—Revenue Courts.																
Unpaid Local Tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	The figures for Revenue Courts have been omitted from this year's Report.
Other Subordinate Courts... ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Courts at the Presidency or Seat of Government.																(a) Includes 1 Equity suit and 7 suits restored to the Board of Causes for rehearing. (b) Includes— 18 suits referred to the Commissioner for taking accounts. 4 suits referred to Arbitration. 1 suit put into stayed list. Besides the suits shown in columns 4 to 12 the following were also disposed by the High Court: 67 Pauper Petitions for lease to sue and defend as a pauper. 7 Petitions under the Indian Trustees' Act. 1 Petition under the Indian Company's Act. 2 Petitions under Act XXXIV. of 1858. 1 Petition under the Special Relief Act. of 1877. 7 Miscellaneous Petitions.
Presidency Small Cause Court ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Superior Courts	(a)2,267	...	188	67	11	406	168	4	1	81	34	(b)1,307	1,126	306·8	24·4	
Total ...	2,267	...	188	67	11	406	168	4	1	81	34	1,307	1,126	306·8	24·4	
Grand Total ...	175,831	...	15,285	27,182	13,909	49,520	3,166	1,063	118	28,675	6,740	28,202	11,721	203·33	91·53	

* That is the total of the entries in Columns 3 to 13. Cases transferred from one Court to another in the same Province will appear only against the Court by which decided, or in which pending at the close of the year, if not decided.

Her Majesty's High Court of Judicature, Appellate Side,
Bombay, 14th September 1883.

E. M. H. FULTON,
Registrar.

JUDICIAL STATEMENT 9—(CIVIL.)

Statement showing the general result of the trial of Civil and Revenue Cases in the Courts of Original Jurisdiction in the Presidency of Bombay in the year 1882.

PART II.—MISCELLANEOUS CASES.—(JUDICIAL.)

Class of Courts.	Total Number of Cases before the Courts.*	Number of Cases disposed of.										Pending at the close of the year.	Number of Cases pending more than three months at the close of the year.	Average duration of Cases.		Remarks.
		Transferred to Courts in other Provinces.	Without trial.	Without Contest.				On reference to Arbitration.		With Contest.						
				Compromised.	Decreed on Confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	For Plaintiff.	For Defendant.	Judgment for Plaintiff in whole or in part.	Judgment for Defendant.			Contested.	Uncontested.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Courts in the Interior.																
I.—Civil Courts.																
Unpaid Tribunals	11	...	...	...	...	...	1	...	...	2	4	4	...	175·33	309·00	
Village Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Paid Sub-Divisional Tribunals ...	13,393	...	2,075	479	509	1,081	467	3	1	4,313	2,092	2,373	643	128·91	87·00	
Small Cause Courts	2,360	...	153	25	70	1,681	110	4	...	135	80	102	18	62·47	15·58	
District Courts other than Chief Courts of Districts ... ... / Chief Courts of Districts	2,614	...	141	38	4	1,012	143	1	...	403	308	564	233	141·67	78·88	
Total ...	18,378	...	2,369	542	583	3,774	721	8	1	4,853	2,484	3,043	894	128·33	61·51	
II.—Revenue Courts.																
Unpaid Local Tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	The figures for Revenue Courts have been omitted from this year's Report.
Other Subordinate Courts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Courts at the Presidency or Seat of Government.																
Presidency Small Cause Court ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Superior Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Grand Total ...	18,378	...	2,369	542	583	3,774	721	8	1	4,853	2,484	3,043	894	128·33	61·51	

* That is the total of the entries in Columns 3 to 13. Cases transferred from one Court to another in the same Province will appear only against the Court by which decided, or in which pending at the close of the year, if not decided.

Her Majesty's High Court of Judicature. Appellate Side,
Bombay, 14th Sept...

E. M. H. FULTON,
Registrar.

JUDICIAL STATEMENT 10—(CIVIL).

Statement showing the business of the Civil and Revenue Appellate Courts of the Presidency of Bombay in the year 1882.

PART I.—APPEALS FROM DECREES.

Class of Courts.	Total number of Appeals before the Court.*	Transferred to Courts in other Provinces.	Appeals summarily rejected.	Dismissed for default or otherwise not prosecuted.	Heard ex-parte.				Contested.				Pending.	Of these pending more than three months.	Average duration of Appeals.	Objections under Section 561, Act X of 1877.	Remarks.
					Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
COURTS IN THE INTERIOR.																	
APPEALS FROM ORIGINAL DECREES.																	
A.—Civil Courts.																	
Chief Appellate Courts other than Chief Courts of Districts... ... ... Chief Appellate Courts of Districts ...	6,672	...	158	222	87	21	30	19	1,707	397	505	147	3,379	2,223	409·75	129	These include 332 appeals decided by Subordinate Judges with Appellate powers.
Superior Appellate Courts other than Chief Court of Province...	.....	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	
Total ...	6,672	...	158	222	87	21	30	19	1,707	397	505	147	3,379	2,223	409·75	129	
B.—Revenue Courts.																	
Collectors' Appellate Courts	.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	The figures for Revenue Courts have been omitted from this year's Report.
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT.																	(a) Includes one reference from the Bombay Small Cause Court.
Chief Court of Province ... Appeals from Original Decrees	287 (a)	...	17	12	...	...	12	...	68	9	8	4	157	128	231·65	3	Besides these 6 Petitions for leave to appeal *in forma pauperis* were also disposed of.
Chief Court of Province ... Appeals from Appellate Decrees...	1,133	...	182	25	12	1	4	3	279	23	61	32	511	350	2,415·35	24	
Total ...	1,420	...	199	37	12	1	16	3	347	32	69	36	668	478	2,037·62	27	
GRAND TOTAL ..	8,092	...	357	259	99	22	46	22	2,054	429	574	183	4,047	2,701	712·66	156	

*That is the total of the entries in Columns 3 to 14. Cases transferred from one Court to another in the same Province will appear only against the Court by which decided, or in which pending at the close of the year, if not decided.

Her Majesty's High Court of Judicature, Appellate Side, Bombay, 14th September 1883.

E. M. H. FULTON,
Registrar.

JUDICIAL STATEMENT 10—(CIVIL).

Statement showing the business of the Civil and Revenue Appellate Courts of the Presidency of Bombay in the year 1882.

PART II—MISCELLANEOUS APPEALS—(JUDICIAL).

Class of Courts.	Total number of Appeals before the Courts.*	Transferred to Courts in other Provinces.	Appeals summarily rejected.	Dismissed for default or otherwise not prosecuted.	Heard Ex-parte.				Contested.				Pending.	Of these pending more than three months.	Average duration of Appeals.	Objection under Section 561, Act X of 1877.	Remarks.
					Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.					
1	2.	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
COURTS IN THE INTERIOR.																	
Appeals from Original Decrees.																	
A.—Civil Courts.																	
Chief Appellate Courts other than Chief Courts of Districts ... ... Chief Appellate Courts of Districts ...	181	...	13	35	7	...	6	4	42	4	18	8	44	31	149·17	...	
Superior Appellate Courts other than Chief Court of Province	.....	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	
Total ...	181	...	13	35	7	...	6	4	42	4	18	8	44	31	149·17	...	
B.—Revenue Courts.																	
Collectors' Appellate Courts	.....	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	The figures for Revenue Courts have been omitted from this year's Report. Besides these the following miscellaneous matters were also disposed of— 309 Civil applications under extraordinary jurisdiction. 87 Civil References, and also 1,910 applications were disposed of out of Court by the Registrar and Deputy Registrar.
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT.																	
Chief Court of Province. — Appeals from Original Decrees	77	...	10	8	...	...	...	...	13	1	6	1	38	26	193·87	...	
Chief Court of Province. — Appeals from Appellate Decrees	6	...	2	1	...	...	...	...	2	...	...	...	1	...	67·6	...	
Total ...	83	...	12	9	...	...	...	...	15	1	6	1	39	26	179·68	...	
GRAND TOTAL ...	264	...	25	44	7	...	6	4	57	5	24	9	83	57	156·54	...	

* That is the total of the entries in Columns 3 to 14. Appeals transferred from one Court to another in the same Province will appear only against the Court by which decided, or in which pending at the close of the year, if not decided.

Her Majesty's High Court of Judicature, Appellate Side, Bombay, 14th September 1883.

E. M. H. FULTON,
Registrar.

JUDICIAL STATEMENT 11—(CIVIL).

Statement showing the Result of Proceedings on applications for the Execution of the Decrees of the Civil and Revenue Courts in the Presidency of Bombay in the year 1882.

Class of Courts.	Total number of applications for the execution of decrees before the Courts.*	Applications disposed of: By transfer.	Applications disposed of: Satisfaction obtained in full.	Applications disposed of: Satisfaction obtained in part.	Applications disposed of: Wholly infructuous.	Pending at the end of the year.	Number of applications pending more than three months at the close of the year.	Amount realized: With the issue of process.	Amount realized: Without the issue of process.	Number of Applications: On which the Judgment-debtor was imprisoned.	On which he was arrested but released without imprisonment.	On which Moveable Property: Was sold.	On which Moveable Property: Was attached but subsequently released.	On which Immoveable Property: Was sold.	On which Immoveable Property: Was attached with under Sections 306, 322 or 326, Act X. of 1877.	On which Immoveable Property: Was attached but subsequently released under Section 276.	On which possession was given: Of Moveables.	On which possession was given: Of Immoveables.	On which specific performance was enforced.	On which partition was effected.	On which execution was effected otherwise than the preceding columns.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
Courts in the Interior.								Rs.	Rs.													
I.—Civil Courts.																						
Unpaid Tribunals	1,518	..	97	101	968	352	162	2,542	150	13	4	12	16	24	1	5	..	9	..	..	102	
Village Courts	1,146	..	..	..	..	79	..	....	..	..	..	..	..	..	..	..	..	..	..	..	..	
Paid Sub-Divisional Tribunals ..	235,277	..	27,341	41,164	124,565	42,187	13,025	22,17,301	1,35,475	1,700	3,299	2,474	4,368	6,629	1,015	5,079	88	2,881	43	84	24,611	No details given for 1,067 applications disposed of by Village Officers under the Deccan Agriculturists' Relief Act.
Small Cause Courts	29,946	..	2,798	4,584	17,223	5,391	2,246	1,07,860	39,376	255	857	226	768	..	..	..	..	..	1	..	..	
District Courts other than Chief Courts of Districts .. .. .. / Chief Courts of Districts	423	..	107	52	125	139	81	37,494	3,822	18	57	5	13	7	..	12	..	10	1	..	109	
Superior Courts	....	..	..	..	..	..	..	....	..	..	..	..	..	..	..	..	..	..	..	..	..	
Total ..	268,360	..	30,343	45,901	142,901	48,148	15,514	23,64,697	1,78,821	1,986	4,217	2,717	5,165	6,660	1,016	5,096	88	2,900	45	84	24,822	
II.—Revenue Courts.																						
Unpaid Local Tribunals	....	..	..	..	..	..	..	....	..	..	..	..	..	..	..	..	..	..	..	..	..	The figures for Revenue Courts have been omitted from this year's Report.
Other Subordinate Courts	....	..	..	..	..	..	..	....	..	..	..	..	..	..	..	..	..	..	..	..	..	
District Courts	....	..	..	..	..	..	..	....	..	..	..	..	..	..	..	..	..	..	..	..	..	
Total ..	....	..	..	..	..	..	..	....	..	..	..	..	..	..	..	..	..	..	..	.	..	
Courts at the Presidency or Seat of Government.																						
Presidency Small Cause Court ..	....	..	..	..	..	..	..	....	..	..	..	..	..	..	..	..	..	..	..	..	..	There are two consent orders to withdraw attachments but there is nothing to show under what Sections nor under what circumstances they were made.
Superior Courts	219	(a) 14	28	11	117	49	33	2,13,289	4,32,044	21	11	2	11	10	..	1	..	7	1	..	..	
Total ..	219	14	28	11	117	49	33	2,13,289	4,32,044	21	11	2	11	10	..	1	..	7	1	..	..	(a) These were transferred to other Provinces.
Grand Total ..	268,579	*14	30,371	45,912	143,018	48,197	15,547	25,77,986	6,10,865	2,007	4,228	2,719	5,176	6,670	1,016	5,097	88	2,907	46	84	24,822	

* That is the total of the entries in Columns 3 to 7.

Her Majesty's High Court of Judicature, Appellate Side,
Bombay, 14th September 1883.

E. M. H. FULTON,
Registrar.